Provincial Advocate for Children & Youth

Office of the Provincial Advocate for Children and Youth
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TORONTO OFFICE
401 Bay Street, Suite 2200
Toronto, Ontario M7A 0A6
Phone: 416-325-5669
Toll-free: 1-800-263-2841

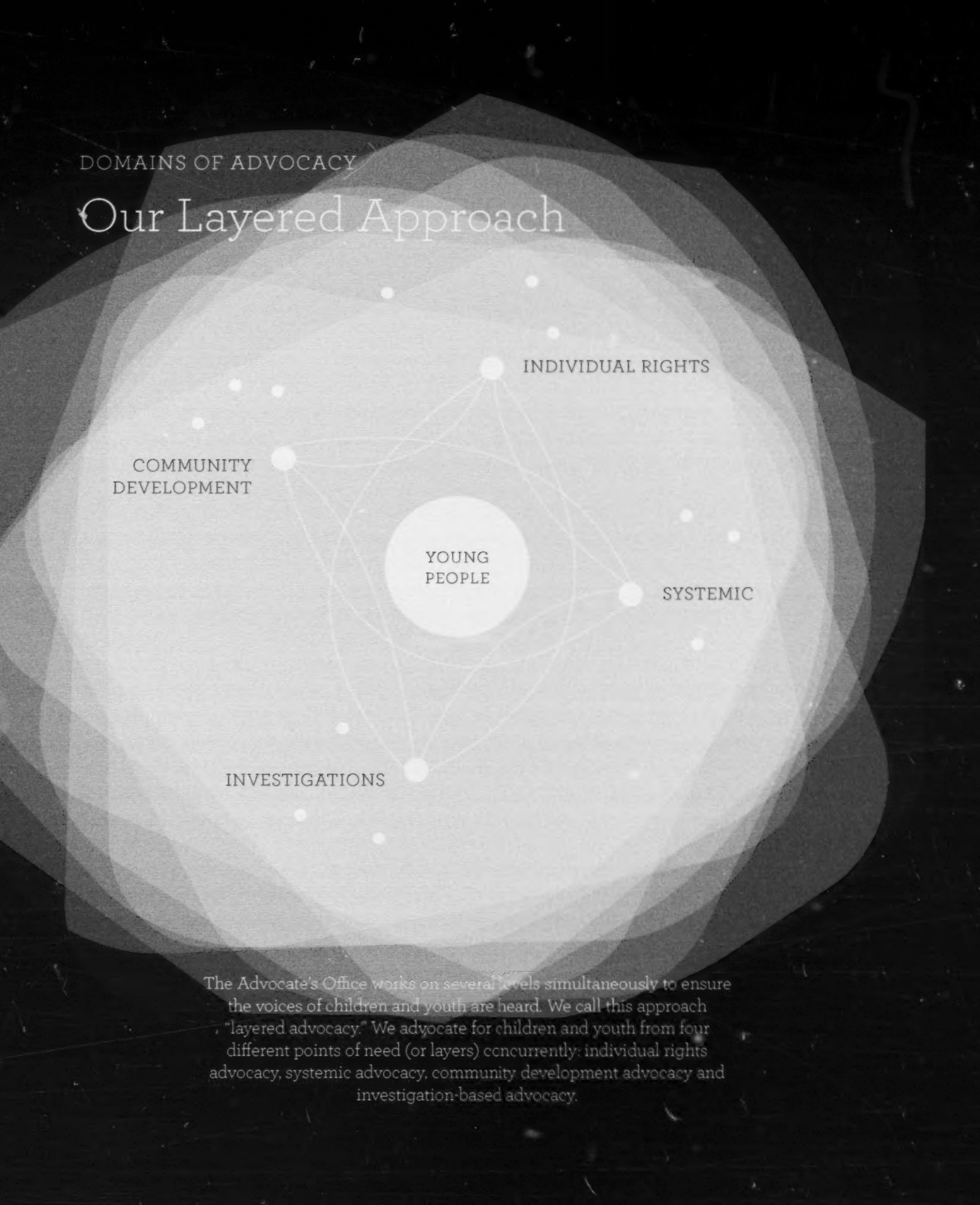
THUNDER BAY OFFICE
From January 1, 2017 to July 31, 2017, our address will be:
200 South Syndicate Avenue, Suite 400
Thunder Bay, Ontario P7E 1C9
Phone: 807-624-1455
Toll-free: 1-888-342-1380

From August 1, 2017, our address will be:
Unit 3 – 905 Victoria Ave E.
Thunder Bay, Ontario P7C 1B3
Phone: 807-624-1455
Toll-free: 1-888-342-1380

Website www.provincialadvocate.on.ca
Email advocacy@provincialadvocate.on.ca
Twitter @OntarioAdvocate
Facebook Office of the Provincial Advocate for Children and Youth

DOMAINS OF ADVOCACY

Our Layered Approach



The Advocate's Office works on several levels simultaneously to ensure the voices of children and youth are heard. We call this approach "layered advocacy." We advocate for children and youth from four different points of need (or layers) concurrently: individual rights advocacy, systemic advocacy, community development advocacy and investigation-based advocacy.

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About the Office of the Provincial Advocate for Children and Youth

The Office of the Provincial Advocate for Children and Youth (the Advocate's Office) is an independent office of the Legislative Assembly of Ontario. Our work is guided by the principles of the *United Nations Convention on the Rights of the Child (UNCRC),* including the principles of non-discrimination; adherence to the best interests of the child; the right of all children to life, survival and development; and the right of children to participate.

In 2007, the *Provincial Advocate for Children and Youth Act* established the Office of the Provincial Advocate. The Office carries out its duties through individual, systemic and community development advocacy, and by conducting investigations. Specifically, the *Provincial Advocate for Children and Youth Act, 2007,* states the purpose of the Office is:

- To provide an independent voice for children and youth, including First Nations children and those with special needs, by partnering with them to bring issues forward;
- To encourage communication and understanding between children and their families and the people who provide them with services;
- To educate children, youth and their caregivers regarding the rights of children and youth; and
- As of March 1, 2016, to investigate complaints about matters concerning a child or group of children under the care of a children's aid society (CAS) or a residential licensee where the CAS is the placing agency.

The Advocate's Office acts on behalf of an individual child or youth, or groups of young people—in response to a request, a complaint, or on its own initiative—and may undertake reviews, make recommendations, and provide advice to governments, facilities, systems, agencies, or service providers. The Advocate's Office also provides education and information on the issue of advocacy and the rights of children.

Deriving its authority from the *Provincial Advocate for Children and Youth Act, 2007,* the Advocate's Office continues to fulfill its mandate to be an exemplar and leader in Ontario and across Canada in work tied to child and youth participation and engagement.

MESSAGE FROM THE PROVINCIAL ADVOCATE

This year, the work of our Office and our children and youth partners have brought Ontario to the cusp of significant change. Over the years, instrumental and incremental change has certainly taken place, but "fundamental change," as young people call it, has remained elusive. Many of the changes that young people have spoken powerfully and articulately about now seem within reach.

Katelynn Sampson—who died at the age of seven at the hands of her guardians just as I became Ontario's first independent Advocate—remains a stark and painful reminder of how Ontario can fail those it is meant to protect.

This past year, the inquest into Katelynn's death exposed the need for significant changes in Ontario's child protection system, and resulted in 173 recommendations for change.

Her experience is why, as a province, we must address the flaws of the child protection system. It has become clear that creating a cohesive, integrated, multi-sector system that focuses on the welfare of children and support for families is a priority. This is something that does not currently exist in Ontario. The horrific nature of Katelynn's death and the many ways in which the province's points of protection failed to protect her have remained with me daily throughout my eight years as Ontario's Provincial Advocate for Children and Youth.

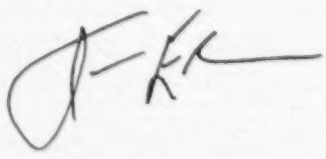
We also addressed the lack of cohesiveness in the province's children's service system at our Feathers of Hope Child Welfare Forum in Thunder Bay this year. We heard 100 First Nations young people in and from care speak powerfully and emotionally about the failure of the child welfare system to provide them with the support and nurturance they need and deserve. They spoke about a system of care where workers and care providers, at times, harmed them and their siblings by failing to understand their needs, hear their concerns, or support the connections they needed to family, community and culture.

When we think about children who rely on the Province for assistance, we want to believe they are being properly supported, and their needs are being met. But this image is spoiled when we hear that more than 20,000 Serious Occurrence Reports (SORs) are filed with the Ministry of Children and Youth Services each year—a number that almost mirrors the number of children in the system. This past year, our analysis of more than five thousand SORs over a three-month period—combined with our report, *Searching for Home: Reimagining Residential Care*, written in partnership with youth—set the stage for fundamental change in residential care. These reviews highlight a systemic disconnect that leaves children and youth in residential care feeling invisible and lost, often uprooted and moved without explanation, and living in situations that bear no resemblance to a home. **As a province, these are our children. And we fail them repeatedly.**

This year, we also undertook a review of the use of secure isolation (also known as solitary confinement) in the province's youth justice facilities. Our report, *It's A Matter of Time*, highlights the need to end the practice of secure isolation for more than a 24-hour period; the United Nations Special Rapporteur on torture has also called for this.

As we deliver this year's Annual Report to the Legislative Assembly of Ontario, I expect that significant amendments to the *Child and Family Services Act* will be tabled. We expect the creation of a blueprint to fundamentally change residential care in Ontario, and we are seeing the first steps towards addressing the overrepresentation of Black children in care. And as an Office, we have finally been given a new (limited) power to conduct investigations after almost eight years of advocating for this authority.

Make no mistake that young people have brought Ontario to this point. They are our partners. Through the Our Voice Our Turn project and the youth in care hearings five years ago, the first Feathers of Hope forum three years ago, and through the We Have Something to Say, Hairstory and You Are Not Alone initiatives, young people have strongly named their world. They have done this with courage and grace. In their work with us on countless advisory groups, they have seeded the opportunity for change. Together, it is possible.



IRWIN ELMAN
PROVINCIAL ADVOCATE FOR CHILDREN & YOUTH

WHO WE ARE AND HOW WE WORK

INDIVIDUAL RIGHTS ADVOCACY FOR CHILDREN AND YOUTH

The Advocate's Office exists to ensure all children and youth across Ontario have equitable access to the resources and services they need to thrive. But for children and youth in Ontario's systems of care, we play an especially critical role. We provide them with the means and a platform to express their concerns and ensure they receive the supports and services they require.

Children and youth in the care of Ontario's residential service system have the legal right to speak to an advocate from our Office. Service providers are required to provide our contact information to every young person upon admission to care, and every three months thereafter—and those wishing to speak with an advocate must be permitted to do so immediately upon request. Posters with information on how to reach our Office must also be visible to youth receiving services from any residential care service provider in the province.

We understand that it isn't always easy for children or youth to pick up the phone. Knowing our Office is here is one thing; but for a young child, making the call is another. We want to help children of all ages find their voices and be heard. We are continually seeking new ways to help young people reach out to our Office when they have a concern.

THE POWER OF BEING HEARD

When a young person reaches out to our Office, we listen. Each and every phone call, email, or message we receive from a young person is important, and we take it seriously. The calls and messages we receive cover a range of issues—from complaints about being mistreated in a care facility, to being denied visits with family members, to wanting to learn more about their religion or culture. Youth sometimes call seeking answers to questions tied to their rights when decisions are being made about their needs and how best to meet them. These questions can relate to foster care, customary care, mental health settings, provincial schools for the Deaf, blind, deaf/blind or learning disabled, or funding and resources for the needs of children with a disability. Whatever the issue, we are there to listen because we know it is often the first time they feel visible. For many, it is the first time they feel they have a say in, and control over, decisions that are being made about their lives.

Once initial contact is made with our office, a child or youth works with one of our advocates to create an advocacy plan that sets out how we will work together to address the issue(s) that the young person has identified. Although our advocates are there to help, the young people are the drivers of their advocacy plan, because as rights holders, they must have a significant say in decisions that affect their lives.

THE POWER OF BEING INCLUDED

We also receive many requests for help from adults on behalf of young people. We recognize the critical role these "natural advocates" play in helping children and youth gain access to services and support. Natural advocates can include friends and family, service providers, social workers, counsellors, child and youth workers, caregivers, teachers, clergy, coaches or neighbours.

Natural advocates often come from within a young person's community, and are an increasingly important source of support and referral for children and youth in Ontario's systems of care. Still, when someone contacts us on behalf of a child or youth, an advocate will reach out to the young person directly as we need the young person's consent to develop and move forward with an advocacy plan. It is all about working with each child or youth to achieve the best outcome possible.

MANDATE AREAS

Who We Serve

In our work with children and youth, we apply a rights-based lens that places us squarely by their side as involved, respected partners. We are here to **serve** young people, and their views are at the heart of everything we do. We serve a wide cross-section of children in Ontario who are involved in various ways with the province's systems of care. This can mean children living in child welfare, youth justice facilities or children's mental health centres; children with special needs; children and youth at Provincial or Demonstration schools; First Nations youth; and youth held in holding cells. We work to ensure they have access to the same services, resources and opportunities that are available to children and youth who are not in Ontario's care systems.

CHILD WELFARE

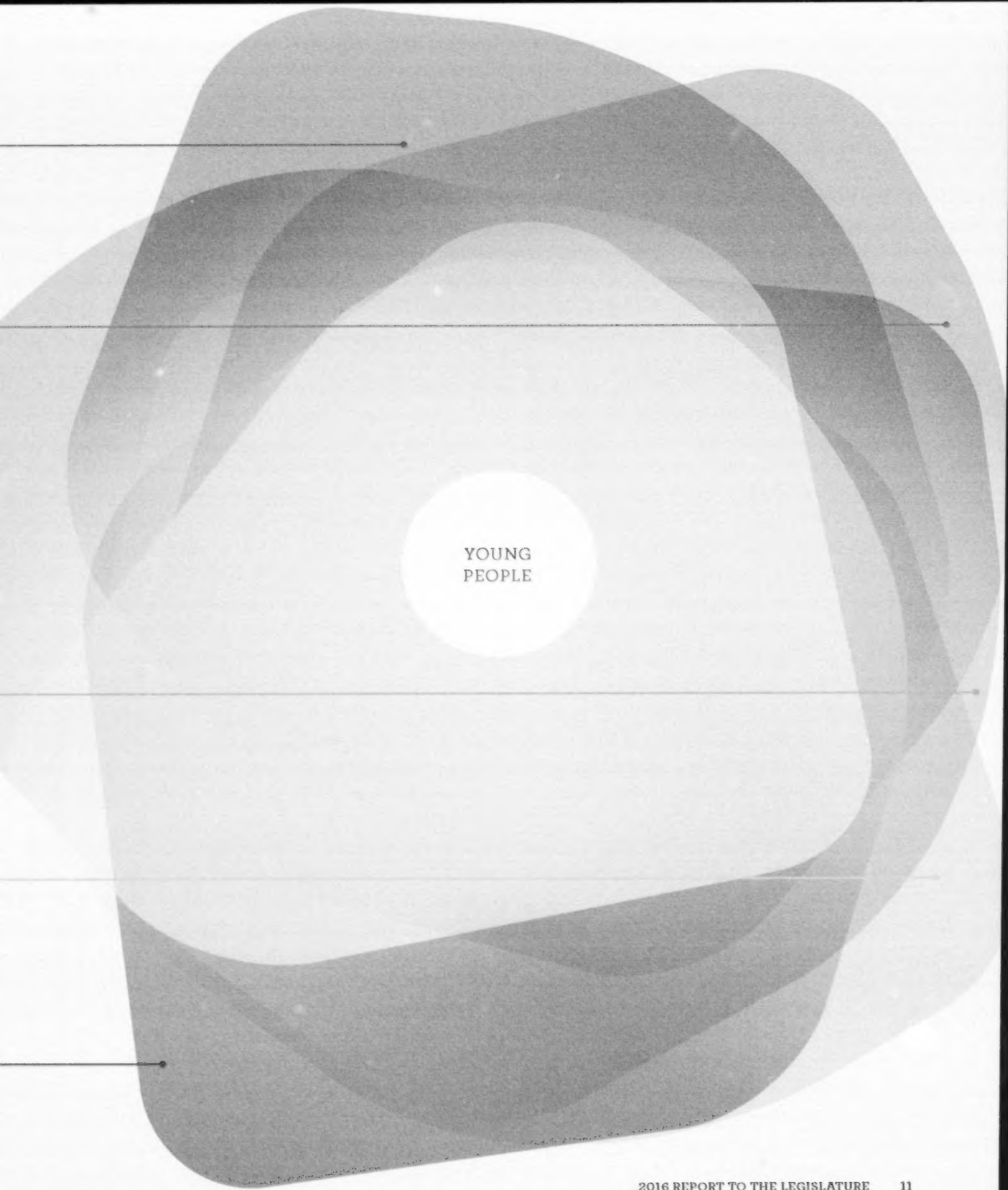
YOUTH JUSTICE

SPECIAL NEEDS

PROVINCIAL &
DEMONSTRATION SCHOOLS

CHILDREN'S MENTAL HEALTH

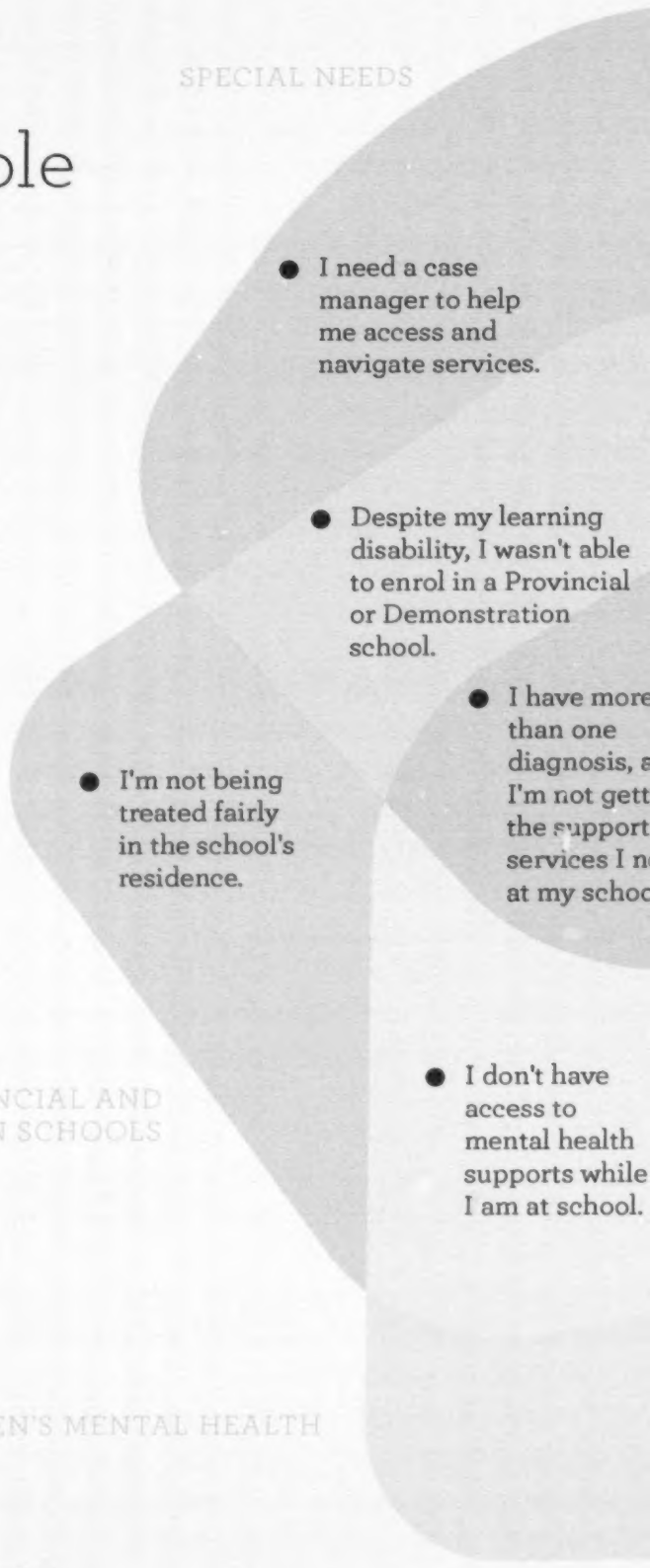
FIRST NATIONS

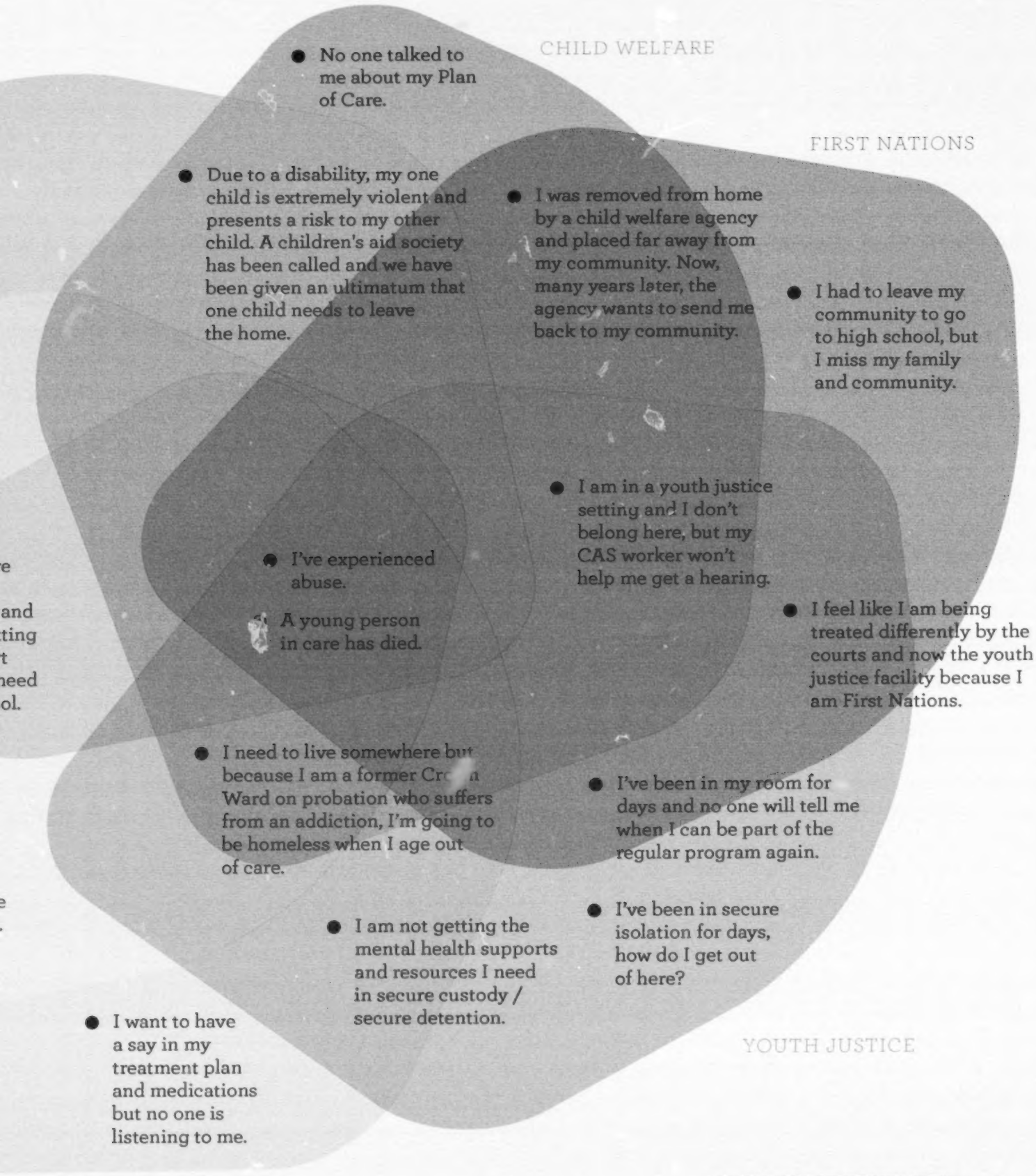

YOUNG
PEOPLE

ADVOCACY ISSUES

What We Hear From Young People

If you ask young people what's going on in their lives and how it could be better, they have plenty to say—and their opinions and views are as individual as their circumstances. Still, we know that young people's concerns often revolve around core sources of conflict or pain. For example, they aren't allowed to see their files; they may be denied access to their biological parents without knowing why; they may be moved from one group home to another with no explanation; they are unaware of their rights; some feel unsafe where they live, or have been abused or mistreated; because of their disconnection from close family and frequent transfers, many feel isolated and lost. As they grow up and face the transition from care to independence, many tell us they feel unprepared for the challenges ahead. These challenges become some of our key advocacy issues.


SPECIAL NEEDS
I need a case manager to help me access and navigate services.
Despite my learning disability, I wasn't able to enrol in a Provincial or Demonstration school.
I have more than one diagnosis, a
I'm not gett
the support
services I n
at my schoo
I'm not being treated fairly in the school's residence.
I don't have access to mental health supports while I am at school.
PROVINCIAL AND DEMONSTRATION SCHOOLS
CHILDREN'S MENTAL HEALTH


CHILD WELFARE
No one talked to me about my Plan of Care.
FIRST NATIONS
Due to a disability, my one child is extremely violent and presents a risk to my other child. A children's aid society has been called and we have been given an ultimatum that one child needs to leave the home.
I was removed from home by a child welfare agency and placed far away from my community. Now, many years later, the agency wants to send me back to my community.
I had to leave my community to go to high school, but I miss my family and community.
I am in a youth justice setting and I don't belong here, but my CAS worker won't help me get a hearing.
I've experienced abuse.
A young person in care has died.
I feel like I am being treated differently by the courts and now the youth justice facility because I am First Nations.
I need to live somewhere but because I am a former Cr n Ward on probation who suffers from an addiction, I'm going to be homeless when I age out of care.
I've been in my room for days and no one will tell me when I can be part of the regular program again.
I've been in secure isolation for days, how do I get out of here?
I am not getting the mental health supports and resources I need in secure custody / secure detention.
I want to have a say in my treatment plan and medications but no one is listening to me.
YOUTH JUSTICE

Our Advocacy Process

We hear about issues that concern young people through a variety of different sources—including phone calls, emails and messages, or through news reports, events or natural advocates of the young person. We try to see the many subtle, intricate and obvious overlaps between individual rights, systemic issues, community development opportunities and investigations, and shape our response accordingly. We call this our layered approach to advocacy.

An individual and immediate concern

An issue about a children's aid society*

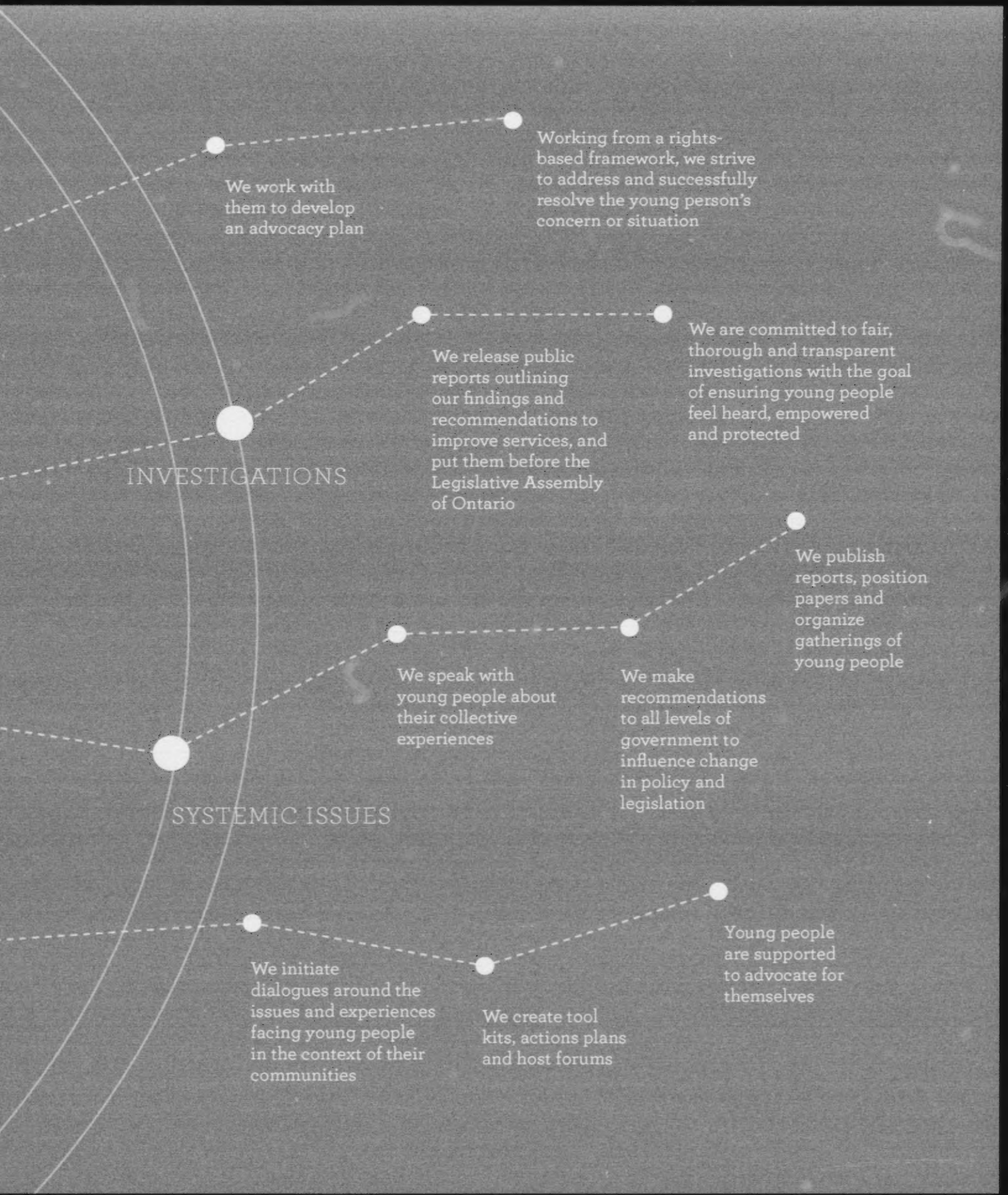
An issue that highlights concerning patterns/trends

An issue that affects a whole group

INDIVIDUAL RIGHTS

COMMUNITY DEVELOPMENT

*or a residential licensee where a CAS is the placing agency—and all other complaint processes have been exhausted


We work with them to develop an advocacy plan
Working from a rights-based framework, we strive to address and successfully resolve the young person's concern or situation
We release public reports outlining our findings and recommendations to improve services, and put them before the Legislative Assembly of Ontario
We are committed to fair, thorough and transparent investigations with the goal of ensuring young people feel heard, empowered and protected
INVESTIGATIONS
We publish reports, position papers and organize gatherings of young people
We speak with young people about their collective experiences
We make recommendations to all levels of government to influence change in policy and legislation
SYSTEMIC ISSUES
We initiate dialogues around the issues and experiences facing young people in the context of their communities
We create tool kits, actions plans and host forums
Young people are supported to advocate for themselves

WHERE WE ARE NEEDED

The children and youth we are mandated to serve include those who are seeking or receiving services under the *Child and Family Services Act*. Most of our work falls into one or more of the following mandate areas:

- **Child Welfare**—working alongside children who come into contact with Ontario's children's aid societies or child and family service agencies to ensure their safety and improve the quality of their lives in care
- **First Nations**—ensuring First Nations children and youth have equitable access to services and resources in Ontario
- **Children's Mental Health Services**—working with young people to ensure they are active participants in decisions tied to the delivery of mental health services and supports they may need
- **Youth Justice**—partnering with young people to help them understand their rights in the justice system and ensure they receive effective and responsive care, support and treatment
- **Special Needs**—elevating the voices of children and youth with disabilities to ensure their voices are heard, so they can participate fully in their communities and enjoy the same access to services, supports and resources as children without disabilities
- **Provincial and Demonstration Schools**—supporting children and youth attending Ontario's schools for the Deaf, deaf/blind, blind and severely learning disabled
- **Holding Cells**—providing advocacy to youth who are being held in or transported to and from court holding cells

OUR LAYERED APPROACH TO ADVOCACY

Consider your own life and try to remember a time when you didn't feel listened to, or didn't have the ability or opportunity to make decisions about your own life. We've all had moments like this, whether it was as small as being grounded for something you didn't do, or as serious as being temporarily homeless and without the resources to find and keep housing. Now recall what happened when you shared your frustration with someone who actually listened. Even before they responded—and even if they couldn't help—you can probably remember feeling better because someone was listening and heard you.

For many of the children and youth in our mandate, this seemingly ordinary event—having someone listen to your concerns and *really hear* you—is completely out of reach.

Even the most well-intentioned people working in our care systems are often lost about how to meet the needs of some young people. We often hear, "You can't legislate love—you can't legislate people to listen and to have real relationships or connections to young people." But we believe it is possible to create the conditions—through policy, practice and legislation—where care becomes about responsive services and resources, where young people see that relationships that form supportive positive connections are possible. These are measurable outcomes of a healthy care system. When you help nurture relationships that children and youth can count on and draw strength from, you give them something real that can be a powerful source of growth—and more importantly, you give them access to the same critical developmental tools needed by all children and youth. You give them a supportive community and resources that ensure they have access to the same supports and care as children who are not part of Ontario's systems of care.

The other real and practical thing young people need is a voice and the knowledge, skills and tools to be their own advocates, with control over their own lives. The Advocate's Office works on many levels simultaneously to ensure the voices of children and youth are heard and that they have opportunities to be their own advocates. We undertake work in four areas of advocacy:

- Individual rights advocacy;
- Systemic advocacy;
- Community development advocacy; and
- Investigations.

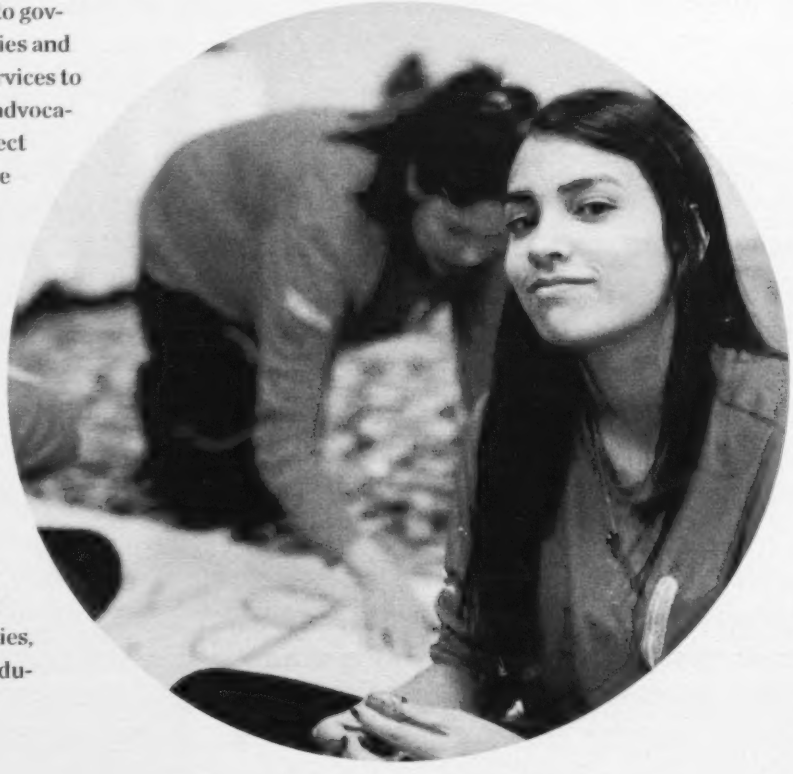
These are four distinct yet connected ways of approaching advocacy work. Together, they are what we call **layered advocacy.**

Individual rights advocacy is the foundation of what we do. It is about being there for the children and youth in Ontario's systems of care who may feel powerless and invisible. We answer thousands of calls, emails and messages each year from young people, their families, caregivers and other members of their support network. We meet with them—in person, wherever possible—to listen to their concerns and let them know they have the right to work with an advocate from our Office when they feel the system is not working for them.

When we see patterns or trends emerging in the calls we receive, we may decide to take a closer look at an issue through **systemic advocacy**. "Systemic" refers to government legislation and guidelines, agency policies and the practices of organizations as they provide services to children and youth. When conducting systemic advocacy, we bring together young people who have direct knowledge and experience with the issue to share their ideas and recommendations for change at the policy, funding or service delivery level.

Community development advocacy evolves out of broader dialogues with groups of young people and communities. As we work with children and youth across the province, we begin to see linkages between their issues and needs. We then create a space where young people can come together to dialogue, share their experiences and then work together to map out possible solutions to the issues and gaps that need to be addressed to meet their needs. Through community development activities, we partner with young people to add their individual and collective voices to making change real. In this process, young people become powerful self-advocates for improving services and resources in their communities—whether they are First Nations youth in fly-in communities, on- or off-reserve, children and youth in the disability community, or Black youth across the province. As an Office, we ensure young people have access to the tools, skills and resources they need to mobilize change for themselves and for young people in their communities.

In March 2016, our Act was expanded to include **investigation** powers. The Office can now investigate complaints a child or youth who is receiving or accessing services from a children's aid society (CAS), or from a residential licensee where a CAS is the placing agency. When all other complaint processes have been exhausted, we can assess complaints to determine when an investigation is warranted and, if so, lead individual and systemic investigations into matters including child deaths and critical injuries.



PARTNERING WITH YOUTH

In all forms of advocacy service provided by our office, we use a rights-based approach that places us beside the children and youth involved in the issue. We help elevate their voices—individually, systemically and through investigations—rather than speak for them. We stand with the children and youth we are mandated to serve.

We believe that young people's perspectives, experiences and voices are central to our work—whether we are developing an individual advocacy plan, or working with young people to forge real relationships with the often-faceless service providers, government organizations and decision-makers whose decisions have such a profound impact on their lives. In each situation, we are guided by the children and youth we are mandated to serve.

This is easier said than done, because the system itself does not always share our vision of partnering with young people. We regularly hear from children and youth who feel they have little or no control over what happens to them, and no insight into how or why particular decisions are made—even decisions that can have far-reaching implications and potentially life-altering outcomes. In practical terms, this can mean that children and youth:

- Are sometimes denied access to their biological parents and not told why;
- Can be moved from one group home to another without being offered alternatives or given a reason;
- Are denied access to their own files by child protection workers;
- May be prescribed medications without being told what they are or why they need them;
- Are left with the impression that just to survive is a successful outcome, and that few people are interested or invested in their desire or potential for more;
- Don't know what their rights are, do not live in a rights-based environment, and may not even understand that they have rights; and
- Feel isolated, rootless, without supportive relationships, and left out of their own lives.

It is only by listening closely to children and youth, respecting their views and learning from their lived experiences that we can develop a deeper understanding of the issues and obstacles that affect them. We strive every day to see children and youth the way they see themselves:

- As people who are more than just the event that brought them into care;
- As people with valuable insights into their own circumstances;
- As people with valid opinions that are based on firsthand knowledge of Ontario's care systems;
- As people with ideas and suggestions that arise from lived experiences that can only be imagined by even the most well-intentioned of helpers;
- As people deserving of all the opportunities and possibilities of healthy and productive lives.
- Most importantly, as people—not invisible or somehow less human simply because they are young.

MOVING TOWARDS VISIBILITY: OUR YOUTH AMPLIFIERS

We partner with young people to lead the change they want to see in their own lives and in Ontario's systems of care. Advocacy is an empowering tool for them to move from invisibility to visibility.

Our goal is to create a safe space for young people to be active participants in addressing the barriers they face in Ontario's systems of care. As such, we have members of our staff teams who are young people. As part of our team, they participate in developing and leading events that bring together youth so that together, they can explore the issues more deeply, and be part of creating innovative solutions focused on change. As valued members of our teams, Youth Amplifiers help mobilize youth from across our mandate areas to join youth advisory bodies, participate in dialogue sessions and partner with the Office.

Amplifiers are often, but not always, secondary or post-secondary students, and frequently bring direct experience within the areas of our mandate. As their name suggests, they work to "amplify" and ensure the voices of young people in Ontario's systems of care are heard by government, the public, service providers and decision-makers to bring attention to issues that affect young people's lives.

Youth Amplifiers have diverse backgrounds and provide unique insights, experiences and skills that enrich and enliven the Office's advocacy and project work.

At any given time, we have up to 15 Youth Amplifiers working at the Office. They, like all our staff, are critical team members on initiatives such as Our Voice Our Turn, Feathers of Hope, HairStory and I Have Something to Say. They work on advisory committees to government, implement special projects, and develop reports, education materials and media products. They also work with other youth-led organizations across the province.

YOUTH AMPLIFIERS

We depend on our Youth Amplifiers' knowledge and perspectives to shine a light on the gaps between the promises made by the system and a reality that continues to fail children and youth.

We depend on their knowledge and perspectives to extend our reach and obtain a deeper understanding of how young people experience Ontario's systems of care. They play an essential role in partnering with children and youth to strengthen and support their ability to be their own advocates. Our hope is that because of their work with the Office, Youth Amplifiers will have opportunities to play a role in advocating for change, while at the same time be viewed as role models, coaches and mentors to the young people who are part of our day-to-day work. Youth Amplifiers are a critical part of the Office's work to create safe spaces for dialogue—spaces where young people can gain a sense of community, strength and support from each other. We have learned that these spaces are essential for young people to become more comfortable and confident in voicing their own advocacy needs and in supporting their peers' needs.

SERVICE STATISTICS

In 2015–2016, the Advocate's Office received 2,476 initial calls for advocacy. However, this number does not reflect all the calls we receive. For example, it does not take into account the many calls young people make directly to an advocate with whom they already have a working relationship.

The Office's switchboard also receives calls every day from young people or their caregivers who want information about issues affecting them, which can be provided directly by the receptionist. Sometimes, we redirect calls to an appropriate community resource that is better able to respond, depending on the needs of the child or youth.

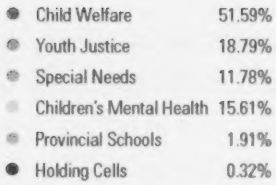
The calls and requests we help with generally fall into one of three categories:

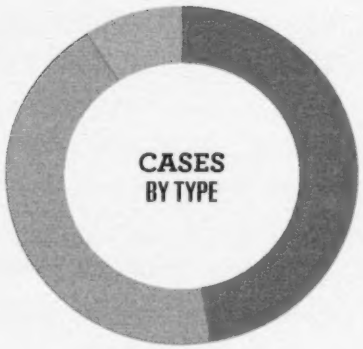
- dispute resolution;
- case consultation; or
- rights-specific advice.

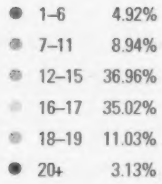
Dispute resolution means helping a young person create a plan to deal with a conflict in a placement. Disputes could be about unfair treatment, improper staff conduct or a perceived lack of safety.

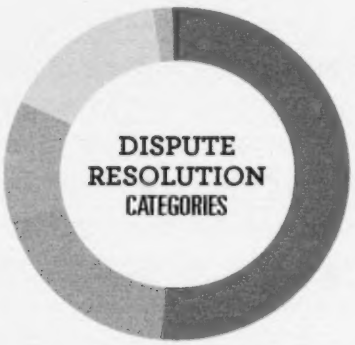
Consultation involves providing the young person with information about a specific issue they are experiencing.

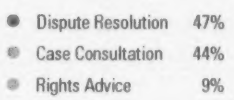
Rights-specific advice is often tied to situations where a young person is detained in emergency secure treatment.

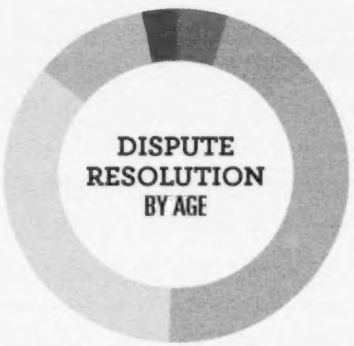






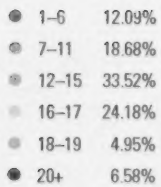


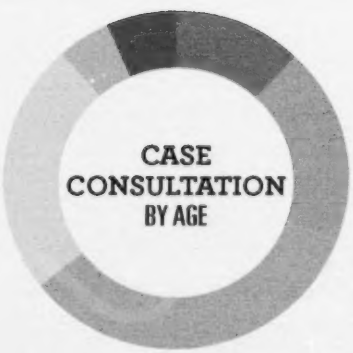


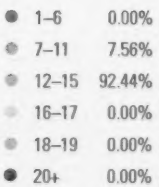


SERVICE STATISTICS

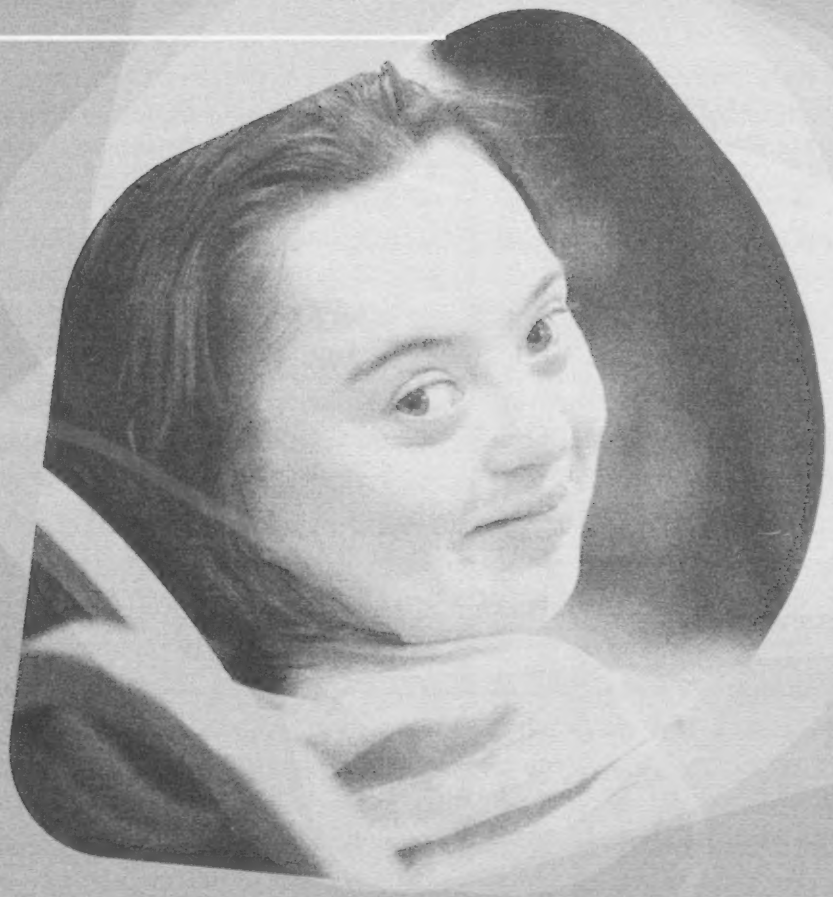
APRIL 1, 2015 – MARCH 31, 2016







LAUNCH OF THE INVESTIGATIVE UNIT



This past year, a fourth advocacy pillar was added to the Office's mandate: investigations, including systemic investigations into critical injuries and child deaths. This expansion to our mandate has strengthened our ability to advocate for children and youth across the province and protect their wellbeing.

The change was the result of the enactment of the *Public Sector and MPP Accountability and Transparency Act, 2014* (otherwise known as Bill 8), which came into effect March 1, 2016. That statute granted new powers, giving the Office the authority to investigate any matter involving a child or youth who is receiving or accessing services from a children's aid society (CAS) or from a residential licensee where a CAS is the placing agency.

However, these new powers do not go as far as we feel was needed to protect children and youth. Prior to the Bill being passed, we made submissions to the Legislature identifying gaps in services to vulnerable children and youth. In particular, we noted—and it remains the case—that even with the amendments, the Office still does not have the authority to investigate complaints in other significant areas within our mandate. These areas include youth justice, children's mental health, special needs and First Nations.

Our newly formed Investigative Unit can now assess both individual and systemic complaints to determine when an investigation is warranted. But our individual investigations can only be initiated once all other complaint processes, such as through the Child and Family Services Review Board, the local CAS's internal complaint process, or the Ministry of Children and Youth Services, have been exhausted. At the completion of each investigation, we will publish a public report outlining our findings, and may identify recommendations that will lead to better outcomes for all children or youth in care.

The Investigative Unit is comprised of eight investigators and two analysts, each bringing with them diverse skills and experiences. The Unit has a youth advisory group that provides input on a variety of topics, including the development of a youth-friendly investigative process, communication strategy and office space. For each systemic investigation the Unit undertakes, a separate youth advisory group will be formed. In the coming year, we will rely on these groups to ensure we are taking the views and perspectives of young people into account as we navigate the best path forward in our work to strengthen the child welfare system and protect children's rights.

"My Office is committed to carrying out fair, thorough and transparent investigations with the goal of ensuring young people feel heard, empowered and protected in the child welfare system. We will also look for ways to support those who have been entrusted to care for the province's children and youth so we can strengthen the child welfare system and help young people reach their full potential."

IRWIN ELMAN, PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

CHILD WELFARE

In 2015-16, the Advocate's Office undertook a number of projects and initiatives in child welfare and devoted considerable effort to researching and producing two landmark reports that examine the state of Ontario's residential care system. These reports take a critical look at the system.

The preliminary *Serious Occurrences Report* examines the degree to which Serious Occurrence Reports function as a safeguard for children and youth—an indication of how safe children in care are. *Searching for Home: Reimagining Residential Care*—a report delivered to the Ontario government's Residential Services Review Panel—reflects on the experiences of young people in care, and whether the system is helping children feel connected and equipped to face future challenges.

In 2015–16, we also:

- Produced, in partnership with the Information and Privacy Commissioner of Ontario, *Yes, You Can*, a guide aimed at dispelling common myths around sharing information with children's aid societies about children at risk;
- Launched a review of serious occurrence reporting and submitted to the Ministry of Children and Youth Services' Residential Services Review Panel the preliminary *Serious Occurrences Report*;
- Contributed to the work of the Residential Services Review Panel, convened by the Ministry of Children and Youth Services, to review residential care in Ontario;
- Celebrated Children and Youth in Care Day by pushing for improvements to the child welfare system at the annual five14 Talk; and
- Participated in the inquests into the deaths of Katelynn Sampson, Guy Mitchell (a person with developmental delays), and a young person with significant mental health issues.

OUR VOICE OUR TURN

A COMMUNITY DEVELOPMENT APPROACH TO ADVOCACY IN CHILD WELFARE

Searching for Home: Reimagining Residential Care

In autumn 2015, two Youth Amplifiers travelled across Ontario—accompanied by Irwin Elman, the Provincial Advocate for Children and Youth—to canvass more than 100 youth about their personal experiences living in the province's residential care system.

YOUTH IN CARE

In 2013, there were 23,000 children and youth living in Ontario's residential care system,[1] which consists of foster homes and kinship care, youth justice facilities, group homes, and mental health facilities.

1. Ontario Provincial Advocate for Children and Youth, *Searching for Home: Reimagining Residential Care*, https://provincialadvocate.on.ca/documents/en/ResidentialCareReport_En.pdf

This project arose from the Office's determination to better understand how children like Katelynn Sampson—who was seven years old when she died in Toronto at the hands of her legal guardians—can end up so poorly served by Ontario's child welfare system. We knew it was critical to hear directly from children and youth about their views and experiences, and that meant we needed to go to where they lived.

The findings were published in February 2016 in *Searching for Home: Reimagining Residential Care*. The report captures the voices and experiences of the children and youth we interviewed, and paints a disturbing picture: many young people in residential care in Ontario do not feel like they have a home, do not feel connected to the people looking after them, and do not feel their voices are heard or reflected in their care arrangements.

INCLUDING YOUNG PEOPLE IN DECISIONS ABOUT THEIR OWN CARE

A big part of the problem, as the report outlines, is that many young people don't feel included in the decisions that are made about their lives, and don't know how to change that situation. Lacking a permanent home and the social and family ties that come with it, they may feel rootless—easily pulled into the whims of the system, powerless, isolated and afraid. The system seems, to many, like a "one-size-fits-all" approach.

The report contains 24 recommendations based on the ideas and experiences of young people who attended the meetings. Some of the issues highlighted are:

Loss of individuality and self-determination

- Youth in the system often feel they are seen through the lens of the single event that brought them into custody, not as a whole person.
- Many feel they're treated as a number, with no regard for their needs, aspirations, rights or personal choices.
- Decisions that affect their lives are often made without their involvement or understanding.

Lack of safety

- Bullying, fighting and physical or chemical restraints are commonplace and traumatic to the children and youth who are on the receiving end, or who witness it.
- Youth are often afraid to complain to staff, even about personal safety concerns, fearing reprisal or a forced move to another residential setting.

Rootlessness

- Many youth in residential care are not told why they were taken from their homes or who made the decision.
- Little attempt is made to help young people maintain connections with family members or other significant people in their lives when placement decisions are made.
- Youth are moved from home to home, often abruptly, without explanation or consideration of their best interests or rights.

SERIOUS OCCURRENCES REPORT

Residential care is meant to provide a safe, respectful and healthy environment for young people so they can thrive, heal, build supportive relationships and reach their full potential. Despite this vision, events sometimes occur that are serious enough to warrant immediate reporting to the Ministry of Children and Youth Services. Under the *Child and Family Services Act*, residential service providers must notify the Ministry within 24 hours of any incident deemed to be of serious significance. These notifications take the form of Serious Occurrence Reports (SORs).

SORs are meant to help keep children and youth safe. In 2015–16 we launched a review of serious occurrence reporting, with a view to better understanding the degree to which the reports safeguard children and youth. We published a preliminary report of our findings in February 2016, and submitted the report to the Ministry of Children and Youth Services' Residential Services Review Panel, which also conducted its own review of children's residential services.

Our assessment focused on a descriptive analysis of the events recorded in the SORs we reviewed. The resulting report raised many questions about the system's ability to serve as an early warning system or effective safeguard.

What we discovered were poorly written, low-quality reports. We saw missing information; frequent medication errors and serious injuries, sometimes self-inflicted; numerous allegations of abuse; nearly 1,000 missing person reports; and more than 2,000 reports involving the use of physical restraints.

"Government says that it cannot legislate love. While this may be true, we believe that government can help create the policies, standards and practices through which services can be made more human and responsive."

"Rootlessness, even into adulthood, seems to be a lasting legacy of involvement with Ontario's residential care system."

What the Amplifiers said

"We heard young people talk about wanting more supportive connections... To feel respected, safe, seen and heard... Some expressed wanting to feel genuinely loved."

"Everywhere we went, we heard from young people who desperately wanted to be respected as individuals, to be informed, able to make their own decisions and have some measure of control over their lives."

"It's like a tree. Have you ever seen a tree grow with no roots? Do your best not to move the kids so they can make the friends that they are going to need for the rest of their life."

"I was in a very good home with long-term care with people that were going to take care of me until I graduated from college. Then just out of the blue they were having this big fight with my agency and then they didn't want me anymore. I did nothing to them. They were mad at the agency so they threw me to the curb."

What youth in care said

"I only see my siblings three times a year. I don't find that's fair because that's the only thing I have left of my family, of anything."

"I've been here for 13 years. Regardless of what you think is better for me or not, maybe you should look into some other alternatives before ripping me out of my home."

"I've been involved my whole life since I was two and the longest I've been at a placement is two years, and that's only happened once."

"You start out with goals. You want to go to school, you want to look for work, you want to make friends, you want to keep friends, and then they move you. And then it slowly transforms from decent wholesome goals to 'Screw school, I'm going to go get drunk, I'm going to hang out with friends, going to try not to go to jail.' Then all of a sudden, the moving stops. They pick you up and they drop you in life. It's like they literally pick you up, drop you on an island, surrounded by all the shit you have to do for the rest of your life, and they never taught you how to swim."

The Ministry reported that a total of 20,429 SORs were submitted in 2013 by group home operators and other children's residences providing specialized services in the areas of mental health, developmental disabilities, special needs and palliative care. Given that there were about 23,000 children in the care system, this means there were almost as many serious occurrences as there were children in the system—a sobering thought that underscores the need for improvement.

We obtained and analyzed 5,011 individual SORs over a three-month period from January 1 to March 31, 2014. Over that three-month period, we found that reports documented:

- **19 deaths**
- **334 serious injuries**, including **138 self-inflicted injuries** (e.g., cutting, poisoning, punching a wall or another object, or swallowing an object)
- **116 abusive incidents** alleged, witnessed, or suspected
- **944 young people who went missing**
- **2,354 incidents of restraints used**, with **more than a third of cases** involving a young person with a developmental disability
- **75 medication errors**
- **16 disasters on premises, such as power failures**
- **1,010 other complaints or serious occurrences made by or about a resident**

In the *Serious Occurrences Report*, we made the following recommendations:

- Create a public electronic database of serious occurrence reports.
- Ensure all sections of reports are completely filled out.
- Provide an opportunity for the young person involved in an incident to report his or her version of events.
- Develop and enforce standards around how the use of restraints is reported.
- Hold roundtable talks about the use of restraints and the numbers of young people who go missing.

REPORTABLE SERIOUS OCCURRENCES

There are eight types of serious occurrences that must be reported immediately to the Ministry of Children and Youth Services:[2]

1. Death of a child
2. Serious injury
   - Caused by Service Agency
   - Accidental
   - Self-inflicted/Unexplained
3. Alleged, Witness or Suspected Abuse
4. Missing Person
5. Disaster on the premises
6. Complaint about the operational, physical or safety standards
7. Complaints made about by or about a client, or any other serious/enhanced serious occurrence involving a client
8. Restraint of client
   - No injury
   - Resulting in injury

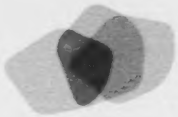
2. Office of the Provincial Advocate for Children and Youth (2016), *Serious Occurrences Report (Preliminary Report)*: https://provincialadvocate.on.ca/documents/en/SOR_Preliminary_Report_022016_En.pdf

These recommendations were directed at the Ministry of Children and Youth Services (MCYS), the Ontario Association of Children's Aid Societies (OACAS), and service providers in residential care. We will be monitoring carefully to see whether, and how, they are implemented.

YES, YOU CAN

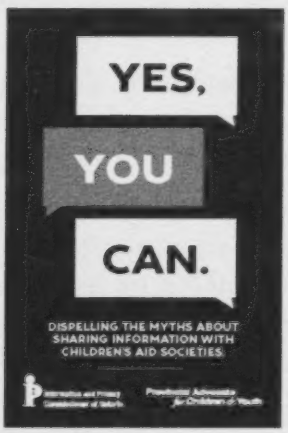
An important achievement in 2015–16 was the production of a guide aimed at dispelling common myths around sharing information with children's aid societies about children at risk. In January 2016, the Advocate's Office, in partnership with the Information and Privacy Commissioner of Ontario, published the booklet, *Yes, You Can*.

The need for such a report emerged from concerns that professionals who work with children—such as health care providers, police, teachers and social service workers—were refusing to share relevant information with child protection workers, who have the authority to investigate whether a child needs protection.



"Professionals working with children must understand that privacy legislation should never stand in the way of reporting a risk of harm to a child."

BRIAN BEAMISH, INFORMATION AND PRIVACY COMMISSIONER OF ONTARIO



BECAUSE YOUNG PEOPLE MATTER

In 2015–16, the Advocate's Office contributed to the work of a panel convened by the Ministry of Children and Youth Services to review residential care in Ontario. The panel consulted associations, service providers, and people with lived experience of child and youth residential services—almost 900 people altogether, including 264 young people—to produce its report, which was intended to advise the Ministry of Children and Youth Services on how to improve the child welfare system in Ontario. Our work and the views of young people on these key issues received serious consideration during the consultations when we submitted both the preliminary *Serious Occurrences Report* and *Searching for Home: Reimagining Residential Care* to the panel for review.

Stemming from misconceptions about privacy law, these refusals were usually well intentioned, but often misguided. The need to address the issue had become even more evident over the past few years after CAS case workers and other people who work with children—including teachers, police officers and others—testified at Coroners' inquests about the confusion and frustration they experienced when trying to obtain important information from other parties or understand what information could be shared.

Intended as a tool for people who work with children at risk, *Yes, You Can* shows how various pieces of legislation permit disclosure, and provides answers to frequently asked questions such as:

- When may professionals disclose personal information?
- What are the rules surrounding a CAS investigation in a school?
- What are the obligations of health care practitioners?
- When can police officers share information with a CAS?

Yes, You Can describes situations and examples that are common causes of confusion around privacy law, and clarifies when information can be shared in those situations. It is available on our website and has been provided to school boards, hospitals, police, social service agencies and children's aid societies.

CHILDREN AND YOUTH IN CARE DAY

The Advocate's Office celebrated Children and Youth in Care Day on May 14, 2015 by continuing to push for improvements to the child welfare system. The day acknowledges the contributions that current and former children and youth in care make to the province in the face of adversity. The Office marked the day with a five14 Talk featuring keynote speaker and child rights advocate Jane Kovarikova.

five14 Talks is a TEDx-style forum hosted by the Children's Aid Foundation (CAF) to unite and mobilize child-welfare champions to create change. The talks were developed by the CAF Young People's Advisory Council, a group of young professionals and students with lived care experience. At each event, five speakers are given 14 minutes to present innovative ideas and inspiring stories. This was the second year the Advocate's Office partnered in hosting the event.

Photo credit: Children's Aid Foundation

Jane Kovarikova grew up in foster care, spending 10 years in the system before she began living on her own at the age of 16. She now serves as Treasurer on the board of Simcoe–Muskoka Family Connexions and is a PhD candidate at Western University in the political science department. At the five14 breakfast, she spoke about the difference between survival and success, and what it means in child welfare. She emphasized the province's responsibility to develop a child welfare program that is centred on success and holistically addresses all dimensions of a child's life—social, emotional, physical, and familial.

"Imagine.... a centralized service that treats every youth as an individual with limitless potential," she said, wrapping up her speech by describing her vision of a system that would provide every youth with a personalized strategy for success, which she defines as "freedom to realize your path." The role of the child welfare system should simply be to provide the tools for youth to achieve this success, she says.

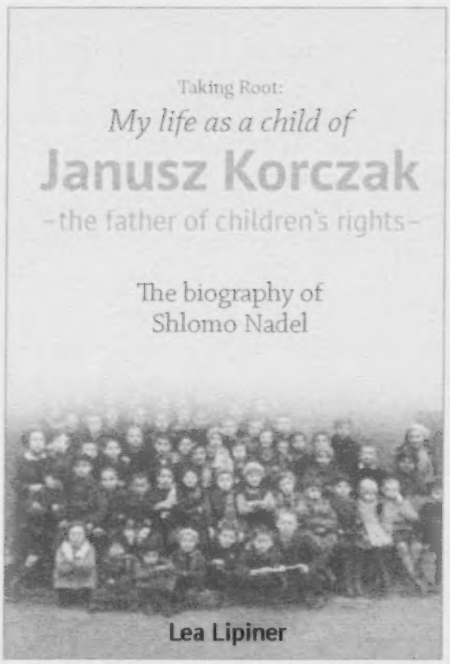
RELEASE OF BOOKS BY ORPHANS OF THE JANUSZ KORCZAK ORPHANAGE

In 2015–16, the Advocate's Office released two books written by orphans who lived at Janusz Korczak's orphanage. Long regarded as the father of children's rights, Korczak was a source of inspiration in the creation of the *United Nations Convention on the Rights of the Child (UNCRC)*.

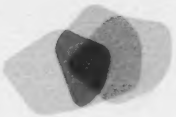
The first book, entitled *My Life as a Child of Janusz Korczak, the Father of Children's Rights—The Biography of Shlomo Nadel*, by Lea Lipiner, was launched in December 2015 with UNICEF Canada at Queen's Park, in partnership with the Janusz Korczak Association of Canada. The biography documents powerful stories and photos of life in the orphanage from 1927 to 1935,

"There are no children—there are people."

DR. JANUSZ KORCZAK, CHILD RIGHTS ADVOCATE

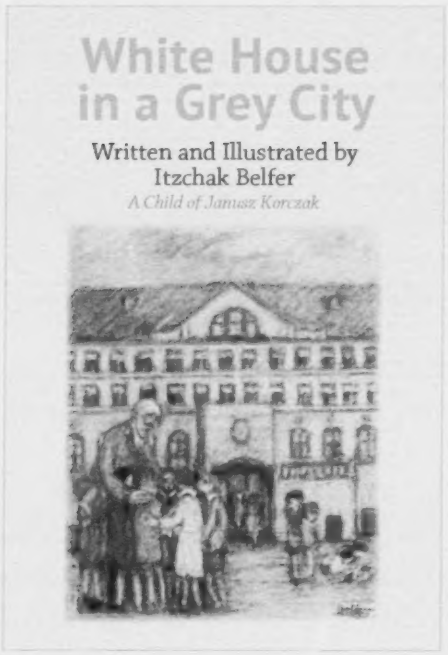


Lea Lipiner



"In retrospect, the children's home was not only a shelter but also a basis for my personal development. I left the children's home with a bag full of values, such as honesty, decency, responsibility, truth, loyalty, good citizenship, mutual respect, initiative, and a work ethic."

SHLOMO NADEL, AUTHOR OF *MY LIFE AS A CHILD OF JANUSZ KORCZAK, THE FATHER OF CHILDREN'S RIGHTS*



painting a picture of what is possible when caregivers truly listen to the voices of young people.

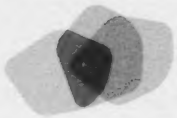
The aim of the launch was to prompt Members of Provincial Parliament and other stakeholders to consider ways to improve Ontario's child welfare system.

The second book, *White House in a Grey City*, by Itzchak Belfer, is an equally powerful, illustrated memoir about the author's experience at the orphanage.

Along with being considered the prime inspiration for the UNCRC, Dr. Korczak was a pediatrician, author, champion of child rights and hero of the Holocaust. From the 1920s and 1930s until his death in 1942, he worked tirelessly to improve the health and welfare of orphans, creating an orphanage in Warsaw, Poland that was built on a unique model of care that resembled a children's republic.

The experiences of both authors at Dr. Korczak's orphanage stand in stark contrast to the experiences of many children in Ontario's child welfare system today. In partnering to publish both books, the Office saw an opportunity to remind the province and service providers to learn from Korczak's teachings and use them as a tool for change. The lived experiences of the orphans who wrote the books demonstrate that residential care can embody the rights and voices of children and youth, and can be delivered with the love and care children and youth so desperately desire and need.

You can download both books from our website.



"An inquest provides a transparent process that holds service providers, levels of government and others accountable for their actions. Its outcome has the potential to create meaningful, systemic changes ... if we have the will to make it so."

IRWIN ELMAN, PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

INQUESTS

The Advocate's Office was involved in several inquests in 2015–16. We monitored or had standing at the inquests into the deaths of:

- A teenager, who cannot be named, with untreated mental health issues;
- Katelynn Sampson, a seven-year-old girl who died at the hands of her guardians;
- Guy Mitchell, a 38-year-old man who presented with the skills and abilities of a five-year-old; and
- Seven First Nations young people, all of whom died in Thunder Bay: Jethro Anderson, 15; Curran Strang, 18; Robyn Harper, 18; Paul Panacheese, 21; Reggie Bushie, 15; Kyle Morriseau, 17; and Jordan Wabasse, 15.

The common theme across these deaths is that they were among the most vulnerable and at-risk children in our society. Ontario must do a better job at implementing the recommendations that arise from these inquests if we are to prevent further deaths under similar circumstances.

MISUNDERSTOOD (AND KILLED) BY POLICE

The Advocate's Office made numerous recommendations following an inquest into the death of a teenager who was shot and killed by police. Under the *Youth Criminal Justice Act*, the young person cannot be named.

The inquest revealed that the youth had mental health needs, but had not found the services or supports to manage them successfully. The young person was shot after police were called by a neighbour complaining of

shouting and other commotion from a nearby apartment. The victim reportedly waved a baseball bat at the officers, smashed the door with it, and didn't respond to their request to drop it. When the youth continued advancing towards the officers, one of them fired two shots, killing the young person.

The Office had standing at the inquest, which took place in March 2016. We made a number of recommendations that were accepted, including that the Ministry of Children and Youth Services should:

- Educate probation officers on the meaning and importance of the policy that requires them to meet with young people in their own environments. If safety concerns preclude probation officers from attending at the residence of the young person, the Ministry should provide guidance on satisfactory alternatives, including the creation of safe spaces for workers to meet with youth outside the probation offices.
- Instruct the supervisors of the probation officers to ensure they review and revise the case management plan if a youth is non-compliant, not making progress, or not achieving the plan's goals, to see if the goals are appropriate and what other options can be pursued.

Other accepted recommendations were that the local police service should:

- Make probation officers and youth aware of the Strategic Targeted Offenders Program (STOP) and the implications for the youth for whom they provide case management services.
- Explore ways to educate young people about the Crisis Outreach and Support Team (COAST) program and how to access its services.

A CHILD UNSEEN AND UNHEARD: KATELYNN SAMPSON

Katelynn Sampson was seven years old and living with legal guardians when she died in a small Toronto apartment in August 2008. Investigators found her blood in every room of that apartment. An autopsy revealed that she had 70 different wounds, broken ribs, a ruptured liver, and had died of septic shock. According to a *Toronto Star* report, investigators found a piece of paper on which she had written, 62 times, "I am A awful girl that's why no one wants me." Her legal guardians—friends of her mother's—eventually pleaded guilty to murder.

The Provincial Advocate called for an inquest the moment Katelynn's death became known, since it was obvious from the way in which she died that numerous points of protection in the system had failed her. The hope, as always, was that Ontario's child welfare system could learn something from her death and prevent similar tragedies. The Coroner's Office launched a discretionary inquest into Katelynn's death seven years later, in November 2015, with about 30 witnesses testifying.

The Advocate's Office and the Office of the Children's Lawyer were granted standing as public interest parties. Other parties with standing at the inquest included:

- Bernice Sampson, Katelynn's biological mother
- Donna Irving, Katelynn's appointed guardian
- The Children's Aid Society of Toronto
- Native Child and Family Services of Toronto
- Ministry of Children and Youth Services
- Toronto District School Board
- Toronto Police Service
- CUPE local 2316
- Unifor local 2488

There were numerous glaring examples of how a broken system had contributed to Katelynn's death. For example:

- An Ontario Court of Justice had approved the transfer of custody from Katelynn's biological mother to a friend without requiring criminal or children's aid society records, even though two children's aid societies had been involved with Katelynn's caregivers. At the time, legislation did not require these records to be provided. Katelynn had attended at least one of these custody transfer proceedings, but no thought was given to hearing from her.
- There were six referrals made to the children's aid societies overseeing Katelynn's file that were either missed or resolved without anyone seeing her in person.
- The couple who assumed custody of Katelynn had previous convictions related to drugs, prostitution and violence.
- Staff at Katelynn's school had noticed bruises on her body, and she had missed 73 full days and 16 half days of school from January to June in the year she died. Yet the school board had not intervened, despite the school being located directly across the road from Katelynn's apartment.

During the inquest, the Office moved quickly to emphasize the need for a child-centred approach, suggesting the jury recommend establishing "Katelynn's Principle" to ensure children are seen as individuals with rights who must be seen, whose voices must be heard and whose opinions and views must be considered before any decision affecting them is made. More specifically, this principle would place the child at the centre of any activity, policy or legislation, with an emphasis on their right to participate in decisions that affect them. Importantly, this would round out Jordan's Principle, a child-first principle aimed at addressing jurisdictional disputes across levels of provincial and federal government with regards to payments for services provided to First Nations children.

Parties with standing at Katelynn Sampson's inquest made more than 200 recommendations to strengthen child protection in Ontario. Ultimately, the jury put forward 173 of them. The jury's verdict and recommendations were released just after the Office's fiscal year ended, but did include our recommendation to establish Katelynn's Principle. A listing of the final recommendations is available online at the Office of the Chief Coroner on Ontario at: http://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/Sampson_2016.pdf.

DANGEROUS LIVING CONDITIONS: GUY MITCHELL

Guy Mitchell was a 12-year-old boy with a developmental disability when he was placed, with help from the Children's Aid Society, in an unlicensed group home in Ancaster run by an agency called Choices Association Inc. Twenty-six years later, he died in the same residence, a place police described as "unfit for living." He was found dead in April 2012 in a cistern on the

EXPANDING THE OFFICE'S MANDATE

Shortly after the Katelynn Sampson inquest began, NDP Critic for Children and Youth Services Monique Taylor tabled a private member's bill to amend the *Provincial Advocate for Children and Youth Act*. The amendment was intended to ensure the Provincial Advocate is notified immediately any time a child is seriously harmed or dies in care, instead of waiting potentially weeks or months for information.

Bill 117, which passed in the legislature before the inquest concluded, requires agencies and service providers to inform the Advocate "in writing and without reasonable delay" as soon as they become aware of the death of or serious harm to a child or their family, where the child or family have sought or received help from a children's aid society within the preceding 12 months.

Bill 117 stopped short of some of the Provincial Advocate's other requests, including requiring the Ministry of Children and Youth Services to provide the Office with unredacted information. Nor did it say anything about children and youth outside the child welfare system who are similarly vulnerable and deserving of protection, and who may be served in one of our other mandate areas, such as youth justice, children's mental health, developmental services or children's treatment services.

property. A pathologist determined the cause of death to be drowning and hypothermia.

An inquest into Mitchell's death was held in July 2015. The Advocate's Office did not seek standing, because he was an adult at the time of his death, and the scope of the inquest was outside of our mandate. However, because there were also children living at the home when Mitchell died, the Office attended the inquest as a monitor. Afterwards, the Office forwarded its concerns along with some possible recommendations to the coroner's counsel for review and consideration.

It was revealed during the inquest that the group home Mitchell lived in had been run by a couple until August 2011, when their daughter took over. Police arriving at the scene found no food, water or heat; vomit and feces covered the floors and furniture and spilled out of toilets and bathtubs. Shockingly, a social worker had just visited the home two days earlier and given it a passing grade.

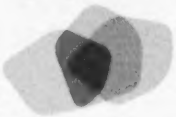
In the Office's view, there are several disturbing issues arising from how Mitchell died:

- His death highlights the fact that the voices of people with developmental disabilities are not heard often enough and seem to become lost altogether as children enter the adult residential system.
- Oversight of group homes by government funders and service providers is not adequate.
- Children with developmental disabilities who require ongoing support once they become adults do not seem to be guaranteed safety or help as they transition into adulthood.

Mitchell presented with the skills and abilities of a five-year-old, and needed a corresponding level of protection—but did not receive it. The Advocate's Office called for better safeguards for people living in residential services across the province. A listing of the final recommendations is available online at the Office of the Chief Coroner on Ontario at: http://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/ec168353.pdf.

INQUEST INTO THE DEATHS OF SEVEN FIRST NATIONS YOUTH IN THUNDER BAY

The long-awaited inquest into the deaths of seven First Nations students, who died between 2000 and 2011 in Thunder Bay, began on October 2, 2015. Jethro Anderson, 15; Curran Strang, 18; Robyn Harper, 18; Paul Panacheese, 21; Reggie Bushie, 15; Kyle Morriseau, 17; and Jordan Wabasse, 15 had come from remote fly-in First Nations communities to attend high school in Thunder Bay. The inquest brought focused attention to the grim realities facing far too many First Nations young people across Northern Ontario. It also addressed the overwhelming gaps and disparities in all areas of their lives—disparities that do not exist for non-First Nations students.



"As an independent voice for children and youth in Ontario, my Office has heard too often that the language of racism is painful and a reality for First Nations young people ... We owe it to the deceased and their families to ensure that all the factors and conditions that may have contributed to the deaths of these youth are examined."

IRWIN ELMAN, PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

The Advocate's Office welcomed the inquest as an opportunity to learn from the experiences of these young people and prevent more tragic deaths. While the findings of the inquest will be reported on in our 2016–17 annual report, it is important to highlight the work undertaken by the Office leading up to and during the inquest process.

When an inquest of this type occurs, it usually involves the death of one child, not seven. While these seven

young people shared some common experiences, one of the challenges addressed during the inquest was ensuring that the stories and unique realities of each student were not lost or overshadowed during all phases of the inquest. Our goal was to ensure that the inquest shed light on each of their lives and their deaths, their hopes and aspirations, and the love and connections they had to their families and communities. Parties with standing at the inquest included:

- Ontario
- Canada
- Nishnawbe Aski Nation
- Families of the seven deceased teenagers
- Northern Nishnawbe Education Council
- Matawa Learning Centre
- Thunder Bay Police Service
- City of Thunder Bay
- Chiefs of Ontario
- The Advocate's Office

More than 200 witnesses were called upon to testify over the course of the nine-month inquest. The Office's primary role, as it always is at inquests, was to draw on our experience in partnering directly with young people to better understand the social and systemic failures they faced and—through our questions and submissions at the inquest—ensure these failures were highlighted and understood. We were present in court every day to hear testimony, and worked with our legal counsel to develop focused questions and responses for every witness.

Thanks to the views shared by young people at the Justice and Juries forum, and our work around creating the *Feathers of Hope: Justice and Juries* report, we were very aware of the deep systemic issues that shape and inform the justice system and jury process. The forum also highlighted the cultural gaps that continue to play out when it comes to the relationship between First Nations people and the justice system and the jury process. It was evident at the inquest that the traditional practices, observations and needs of First Nations witnesses and family members were often at odds with the inquest process. In fact, one reason for the 15-month delay in getting the inquest underway was the lack of representation of First Nations people on the inquest jury. To address this issue, Nishnawbe Aski Nation proposed a pilot project to seek out volunteers within First Nations communities across Northwestern Ontario to sit on the jury.

Presenting the full outcome of this inquest is outside the scope of this annual report, as the verdict came after March 31, 2016. However, the inquest findings can be found at the website of the Office of the Chief Coroner on Ontario at http://www.mcscs.jus.gov.on.ca/sites/default/files/content/mcscs/docs/FNYtemplate.pdf.

FIRST NATIONS

In theory, all young people in Ontario have the same rights and protections under the United Nation's Convention on the Rights of the Child. Unfortunately, the reality is that many First Nations children and youth, especially those living in the North, do not have the same access to education, justice, employment opportunities or medical and social support services as non-First Nations children. They also face higher rates of poverty and are overrepresented in Ontario's child welfare and youth justice systems.

FIRST NATIONS & *THE CHILD AND FAMILY SERVICES ACT*

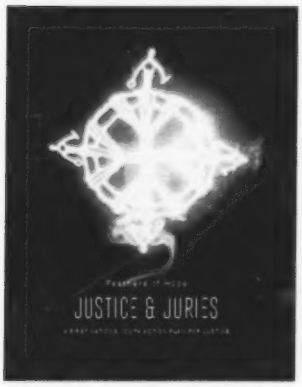
Section V of the *Child and Family Services Act* recognizes "that Indian and native people should be entitled to provide, wherever possible, their own child and family services, and that all services to Indian and native children and families should be provided in a manner that recognizes their culture, heritage and traditions and the concept of the extended family." 1999, c. 2, s. 1; 2006, c. 5, s. 1.

In 2015–16, the Advocate's Office continued its work to ensure that Ontario's First Nations children and youth have equitable access to the supports and services they need to thrive.

FEATHERS OF HOPE

Feathers of Hope (FOH) is a growing movement that is providing First Nations youth with a powerful voice to deliver their views and concerns to decision-makers on matters that affect their future. FOH brings First Nations youth together with provincial, federal, municipal and First Nation government leaders and key stakeholders to spark concrete, positive change in the lives of First Nations young people across Northern Ontario.

FEATHERS OF HOPE JUSTICE & JURIES REPORT



In November 2014, the Advocate's Office held its second Feathers of Hope forum in Thunder Bay. The "Feathers of Hope: Justice and Juries" forum provided young people with an opportunity to discuss and address the under-representation of First Nations people on juries and share their experiences with the justice system.

The forum was rooted in recommendation seven made by former Supreme Court of Canada Justice Frank Iacobucci in his independent review of First Nations representation on Ontario juries. At the time of the publication of his report, it was estimated that as many as 18 Coroner's Inquests were stalled indefinitely due to low numbers of First Nations people serving on juries.

The Justice and Juries forum brought together 150 youth from First Nations communities across the province to discuss the barriers that keep First Nations people from participating on juries and to discuss the relationship between Aboriginal people and the justice system. The young people attending the forum participated in group discussions that focused on:

- Understanding Ontario's justice system;
- Creating a vision for a jury process;
- Community approaches to justice;
- Discrimination in the justice system; and
- First Nations' relationships with the justice system.

At the end of the forum, youth participants presented their ideas for improving the justice system and jury process to First Nations leaders and representatives from government, police, the legal and social services sectors.

CREATING AN ACTION PLAN

In March 2016, the Advocate's Office delivered *Feathers of Hope, Justice and Juries: A First Nations Youth Action Plan for Justice* report and recommendations. Youth Amplifiers and a youth advisory committee worked with the Office to ensure the writing of the report remained solidly anchored in the conversations that took place at the 2014 forum in Thunder Bay. Where necessary, they also presented detailed and easy to understand information to help readers better understand the Gladue court process and traditional justice models. Young people at the forum felt both of these things were critical and positive first steps toward creating a justice model and system that works for Aboriginal people.

Through the report, young people made 39 recommendations for improving the justice system and addressing

the inequities faced by First Nations/Aboriginal[3] people who encounter it. A key feature of the combined recommendations was to bring about change that would encourage young people to want to be part of a jury process that, at present, does not reflect the cultures, traditions and histories of Aboriginal peoples.

The report points to Aboriginal people's limited knowledge of the justice system and their individual rights as a barrier to navigating the justice system. The report also highlights the need for educational programs about the justice system in community schools or through band offices. Youth participants at the forum felt that a lack of Aboriginal values at all levels of the justice system and jury process contributed to their sense of alienation within the system. Most felt they would find it easier to serve on inquest juries (rather than on criminal trial juries) because these juries focused more on healing than on assigning guilt or blame—the primary purpose of criminal trials. They also noted the need for supports and resources for Aboriginal people sitting on criminal court and inquest juries, as they could be triggered by evidence given or issues raised during the proceedings.

Participants also felt that a lack of understanding regarding Aboriginal people created negative stereotypes and systemic discrimination across the justice system. They believed this widespread systemic discrimination and racism was also reflected in the jury process and played a significant role in interactions between Aboriginal people and police at the community level. Too often, youth felt targeted by police and felt that the current approach to law enforcement intimidated and created fear within Aboriginal communities and for Aboriginal people. Almost all of the 150 youth who participated in the forum had experienced racism first-hand or had witnessed acts of racism directed at a family friend or community member by a representative of the justice system. Forum participants suggested that relationships with police could be improved if Aboriginal youth were given an opportunity to learn and understand their rights, and if police were better trained about the history and traditions of Aboriginal people.

"The corruption in our justice system, within our own communities, makes it harder for members, especially youth, to have trust and feel protected by our officers."

FORUM PARTICIPANT

The youth at the forum also believed that participating on juries created additional financial and emotional hardship for Aboriginal peoples, particularly if it required travel away from their families and remote communities for an extended period. They pointed to language and a lack of understanding of the justice system as critical barriers to Aboriginal people serving on juries, especially elders and community members from remote communities where English or French is not their first language.

In the *Feathers of Hope, Justice and Juries* report, the following key recommendations regarding policing, the courts inclusive of Gladue, and the jury process were made:

Policing

- Legal rights education related to policing, and related print materials, must be made available to young people.
- Police officers, as part of their duties, must focus on building positive working relationships with all community members.
- Aboriginal Police Services must be improved and strengthened through training and better understanding of the issues and barriers that Aboriginal people face.

3 We shift from our traditional use of First Nations and use the term Aboriginal in this section out of respect to issues tied to the justice system, as they have broader relevance to all Aboriginal peoples.

Courts

- Ontario's justice system must change to better meet the needs of Aboriginal peoples. This change must begin with an acceptance on the part of government that Canada's justice system, in its present form, continues to harm Aboriginal people.
- The Ministry of the Attorney General must provide funding to ensure there are specially trained court support workers by expanding Gladue courts.
- The Ministry of the Attorney General must work with Aboriginal legal service organizations, chiefs, band councils, and communities to create ways for community members to provide feedback to the justice system.

Jury Process

- A support system must be put in place for Aboriginal people who come from remote and fly-in communities who agree to be part of the jury process.
- Governments must work with chiefs and band councils to create the changes necessary to ensure juries include more Aboriginal jurors.
- Governments must provide translation services to Aboriginal jurors and witnesses.

Gladue

- The Ministry of the Attorney General must ensure that Gladue courts are available in courtrooms across Ontario.
- The Government of Ontario should expand the Gladue principles to child welfare matters.

The *Feathers of Hope, Justice and Juries: A First Nations Youth Action Plan for Justice* report provided young people with an outlet to voice their concerns and propose meaningful solutions to address barriers in the judicial system and jury process. First Nations youth were clear that they wanted to actively partner with the justice system to create a system they feel works for them—one that is based on respect and equality and is inclusive of their cultures, traditions and values.

FEATHERS OF HOPE CHILD WELFARE FORUM

One of the key areas where a discrepancy remains between the rights and services provided to First Nations children and non-First Nations children is in the province's child welfare system.

First Nations youth are overrepresented in Ontario's child welfare system, and continue to be removed from their homes and communities at a consistently higher rate.[4] Aboriginal children make up 3 per cent of the child population in the province, yet they represent 21 per cent of children in care. Children who live on-reserve are five times more likely to be placed in care compared with children living off-reserve. In fact, there are currently more children in state care now than at the height of the Indian Residential Schools.

It is critical that we do a better job of meeting the needs of First Nations young people prior to their coming into care. To do so, we must first understand the realities they face and what changes are necessary to address the conditions that bring them into care. A key recommendation coming out of our 2014 report, *Feathers of Hope: A First Nations Youth Action Plan,* was to hold a forum to explore the factors causing First Nations children to be overrepresented in the child welfare system.

In May 2015, the Advocate's Office—in partnership with the Feathers of Hope Working Group, Feathers of Hope Youth Amplifiers, First Nations leadership and the provincial and federal governments—held a third Feathers of Hope forum, this time focusing on improving Ontario's child welfare system.

The event brought together more than 100 First Nations youth, aged 15 to 29, from 50 remote and fly-in communities across Northern Ontario to share their stories and ideas about what changes are needed to fix the system.

4 Aboriginal Children in Care Working Group. (July 2015). *Aboriginal Children in Care: Report to Canada's Premiers* (p. 7). http://canadaspremiers.ca/phocadownload/publications/aboriginal_children_in_care_report_july2015.pdf

During the dialogue sessions, the young people took part in discussions about the child welfare system and spoke with their peers about their experiences with the system. At the closing "listening table," they presented their ideas and proposed recommendations for change to federal, provincial and municipal government representatives, First Nations leaders, Children's Aid Societies and First Nations child and family service agencies.

First Nations youth have unique experiences with, and perspectives about, the child welfare system. This forum was an important opportunity for everyone to obtain a better understanding of the needs of children and families involved in the system. The Office is currently working with young people who attended the forum to gather the lessons learned and compile them in a toolkit that will be shared with the provincial government, child and family service agencies, children's aid societies, and with the Feathers of Hope Working Group members who represent provincial, federal and First Nations leadership. The release of the final toolkit is expected in fall 2017.

FEATHERS OF HOPE YOUTH AMPLIFIERS

Youth Amplifiers help elevate the voices of First Nations youth in Ontario. They act as coaches, mentors and role models chairing meetings and facilitating discussions at events that help lead to real and lasting change for First Nations youth across the province. They also bring the views and perspectives of children and youth to the table when they take part in discussions with key decision-makers, such as government representatives, First Nations leaders, and social service providers.

Youth Amplifiers also play a critical role in the work of Feathers of Hope. They spread the word about how important it is for First Nations young people to be involved in creating safer, healthier communities, and they encourage First Nations youth to get involved—helping each other in the work of being heard, but more importantly, being leaders in creating the change they want to see in their communities. Youth Amplifiers reach out to a range of stakeholders, including children, youth, and students preparing to enter careers in education or child and youth services, or who will be First Nations community members and leaders.

This past year, Youth Amplifiers and Community Development staff travelled to five First Nations communities—as well as colleges, universities, and after-school programs—to deliver presentations about the Feathers of Hope initiative and what we are doing to bring about positive change in the lives of Ontario's First Nations young people. In addition to playing a lead role in this year's Child Welfare forum, Youth Amplifiers also spoke at conferences, to government leaders and to media outlets about the issues critical to First Nations youth, such as justice, prescription drug awareness and mental health.

TRUTH AND RECONCILIATION COMMISSION OF CANADA

Over the course of the Truth and Reconciliation Commission's five-year mandate, the three TRC commissioners—Justice Murray Sinclair, Chief Wilton Littlechild and Dr. Marie Wilson—collected more than 6,750 survivor and witness statements from across the country. In June 2015, the commissioners released their findings, including 94 Calls to Action. These calls to action address the legacy of the Indian Residential Schools in the areas of child welfare, health, education and justice. They also address:

- The United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- A Royal Proclamation and Covenant of Reconciliation
- The National Council for Reconciliation
- The creation of a National Research Centre for Reconciliation

- Equity for Aboriginal people in the justice system
- Professional development and training for public servants
- Church apologies for reconciliation
- Education for reconciliation
- Youth programs
- Museums and archives
- Missing children and burial information
- Commemoration
- Media and reconciliation
- Sport and reconciliation
- Business and reconciliation
- Newcomers to Canada

Through Feathers of Hope (FOH), the Advocate's Office developed a strong working relationship with the Commission, participating in two national events. The Office also released a Statement of Reconciliation outlining its commitment to being an active partner in the healing and reconciliation process, and delivered a workshop in Edmonton, Alberta. At the closing ceremonies in Ottawa in June 2015, FOH was invited to deliver a second workshop to 500 young people from across Canada, and the Provincial Advocate was part of panel delivered by the Canadian Council of Child and Youth Advocates.

"It's just to have that spark or that little piece of hope again in order for them to move forward and to do great and amazing things within their own communities, and that is the impact that Feathers of Hope is all about."

SAMANTHA CROWE, FEATHERS OF HOPE YOUTH AMPLIFIER

WHAT IS THE TRC?

The Truth and Reconciliation Commission, or TRC, is a component of the Indian Residential School Settlement Agreement.

Its mandate is to educate all Canadians about what happened in Indian Residential Schools (IRSs). It aims to document the truth of survivors, families, communities and anyone personally affected by the IRS experience.

OFFICE OF THE PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH STATEMENT OF RECONCILIATION

On the eve of the release of The Truth and Reconciliation Commission of Canada's final report, the realities of truth and reconciliation now take on their hardest journey, the journey from the hands of the Justice Sinclair and the Commission into the heart and soul of the consciousness of this country.

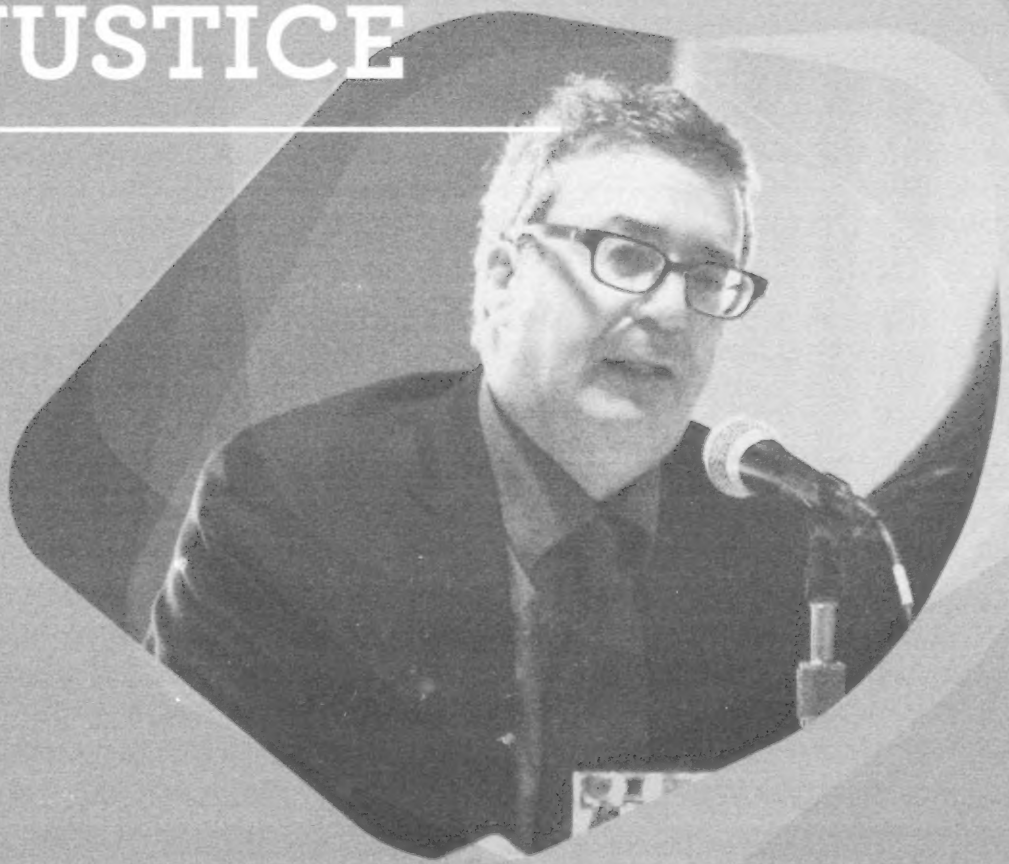
The history and legacy of the Indian Residential Schools lives on in the survivors and descendants of more than 150,000 children who attended the more than 100 residential schools that were funded by the federal government and largely run by Canada's churches. It is carried in the collective memory of current and future generations of First Nations, Aboriginal, Inuit and Metis children, grandchildren and great grandchildren. We must come together as a country to be part of creating the path of healing needed and this work must be anchored in the possibilities of this country's children and youth be a powerful voice in the vision and work tied to remembering and reconciliation now and for the next seven generations.

In Ontario, we must come together, and critically examine how our systems fuel assimilation, and create new spaces where truth telling and the process of reconciliation can be mobilized.

Reconciliation lives in the space of past and present but truly is tied to a future that remembers not only the survival of children and youth who were sent to Indian Residential Schools but actively demonstrates to current and future generations of First Nations, Aboriginal, Inuit, Metis children that we will never again allow children to be stolen from their families, communities and nations and be robbed of their culture, language and spiritual connections.

As Ontario's Office of the Provincial Advocate for Children and Youth, we offer this statement of commitment to actively embrace our role as a leader in the process of truth telling and work with and for all First Nations, Aboriginal, Metis, Inuit children and youth in Ontario. This Office will continually strive to ensure this province actively engages in a process of healing that is tied to the vision of reconciliation advanced by the Truth and Reconciliation Commission of Canada. A vision that is reflective of the lived experience of the survivors of the Indian Residential Schools and is committed and focused on ensuring that the legacies of that survival are addressed and wherever possible are replaced with hope, possibility and healing in the current generations of nations of children and youth who now call Turtle Island home.

YOUTH JUSTICE



Our work in youth justice focuses on ensuring that young people who are charged or held in connection with a criminal offense are aware of their rights and cared for humanely, with effective and responsive support and treatment. Recently, much of our attention has been directed at the issue of secure isolation (also called solitary confinement) of youth in justice facilities.

It has been well documented that the use of secure isolation negatively harms a young person's mental and physical health, and is especially harmful to someone with pre-existing mental health needs.[5] The Advocate's Office first addressed the use of secure isolation in Ontario in 2009 by launching a review after receiving numerous complaints from youth in custody related to matters like unsanitary living conditions, inability to practice a religion, and lack of opportunities for mental stimulation. This year, we undertook a second systemic review focusing specifically on the use of secure isolation.

SYSTEMATIC REVIEW OF SECURE ISOLATION

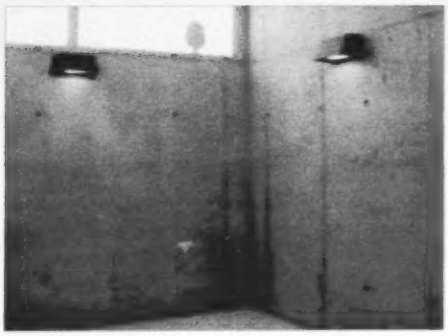
In August 2015, the Advocate's Office called on the Ministry of Children and Youth Services (MCYS) to immediately ban the use of solitary confinement of youth for more than 24 hours, a view shared by the United Nations, Human Rights Watch and the World Health Organization. Our request was based on the findings from our landmark report, *It's a Matter of Time: A Systemic Review of Secure Isolation in Ontario's Youth Justice Facilities*. The report is based on an analysis of data obtained from MCYS about the placement of youth in secure isolation in Ontario's 20 youth justice facilities, a review of related literature, and interviews with 141 incarcerated youth.

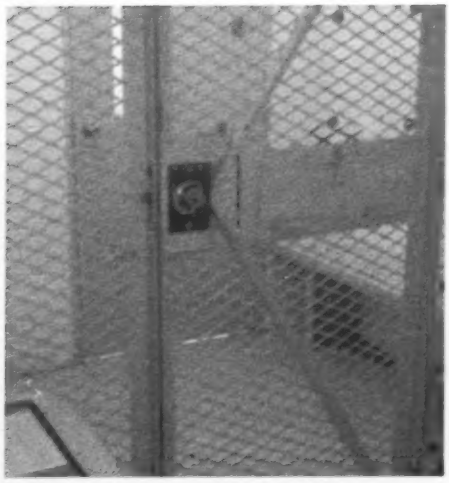
Secure isolation refers to locking a person in a specially designated room away from other incarcerated youth in a facility. In Ontario, its use is increasingly controversial but nonetheless legal under the *Child and Family Services Act*. However, youth under the age of 16 cannot be kept in solitary confinement for more than eight hours a day or 24 hours each week; youth 16 years of age and over cannot be held for more than 72 hours each week without the approval of a provincial director. The United Nations Special Rapporteur on Torture defines solitary confinement as isolation lasting more than 22 hours, and says its use should be completely prohibited for people under the age of 18 or who have a mental illness.

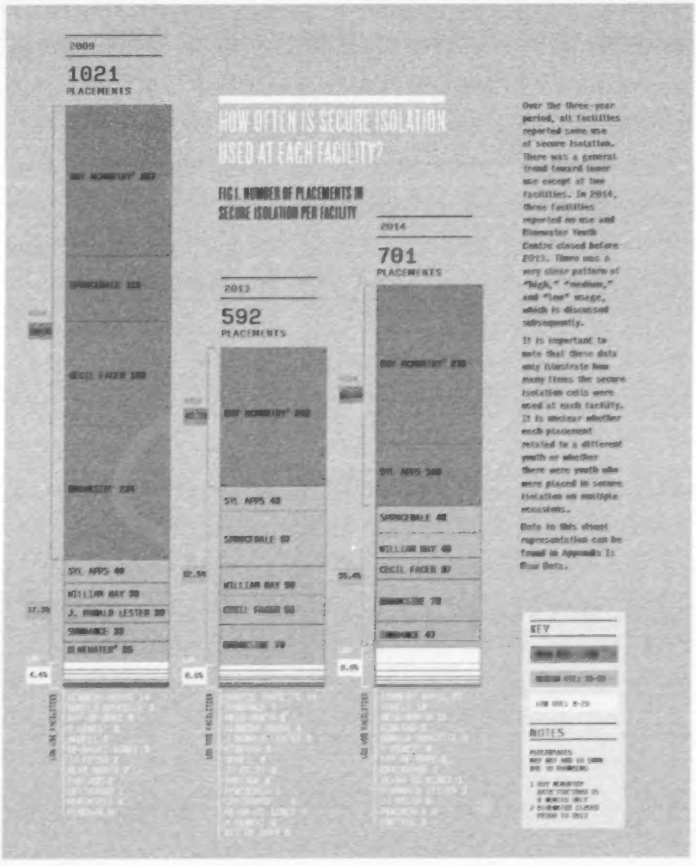
Our review uncovered inconsistencies and disturbing trends in the way youth justice facilities use secure isolation. For example, we found:

- **Wide ranges in time spent in isolation:** Young people were placed in secure isolation for as little as one minute and as long as 15 days, depending on the facility.
- **Disregard for the CFSA and international standards:** In 2014, 38 youth were placed in secure isolation for longer than 72 hours, and there were 164 instances of secure isolation placements lasting more than 24 hours.
- **Greater numbers of youth under 16 in secure isolation:** In 2014, 186 placements were reported, up from 106 in 2013.
- **Dehumanizing conditions:** In some facilities, youth said they had to wait hours for staff to provide toilet paper or to push the button to flush the toilet, which are located outside of some cells. Others described room temperatures that were either extremely warm or cold, inadequate food, bedding taken away during the day, bugs, and having little access to fresh air or mental stimulation e.g. magazines, books.
- **Denial of access to a lawyer or the Advocate's Office:** By law, every youth placed in secure isolation has the right to speak with a lawyer and/or an advocate. Yet approximately half of all youth we interviewed said they were denied this right while in secure isolation. Many said they were taunted by staff and called "sissies" when they asked to contact us.
- **No reason given for confinement:** Our review found that 70 per cent of youth were not told why they were placed in secure isolation until *after* they were released.

5 Kelsall, Diane. "Cruel and unusual punishment: solitary confinement in Canadian Prisons." *Canadian Medical Association Journal* (Dec. 9, 2014, p. 186[18]). http://www.cmaj.ca/content/186/18/1345.full.pdf






2009
1021
PLACEMENTS
HOW OFTEN IS SECURE ISOLATION USED AT EACH FACILITY?
FIG I. NUMBER OF PLACEMENTS IN SECURE ISOLATION PER FACILITY
2013
592
PLACEMENTS
2014
701
PLACEMENTS
Over the three-year period, all facilities reported some use of secure isolation. There was a general trend toward lower use except at two facilities. In 2014, three facilities reported no use and Bluewater Youth Centre closed before 2015. There was a very clear pattern of "high," "medium," and "low" usage, which is discussed subsequently.
It is important to note that these data only illustrate how many times the secure isolation cells were used at each facility. It is unclear whether each placement related to a different youth or whether there were youth who were placed in secure isolation on multiple occasions.
Data in this sheet representation can be found in Appendix I: Raw Data.
KEY
NOTES

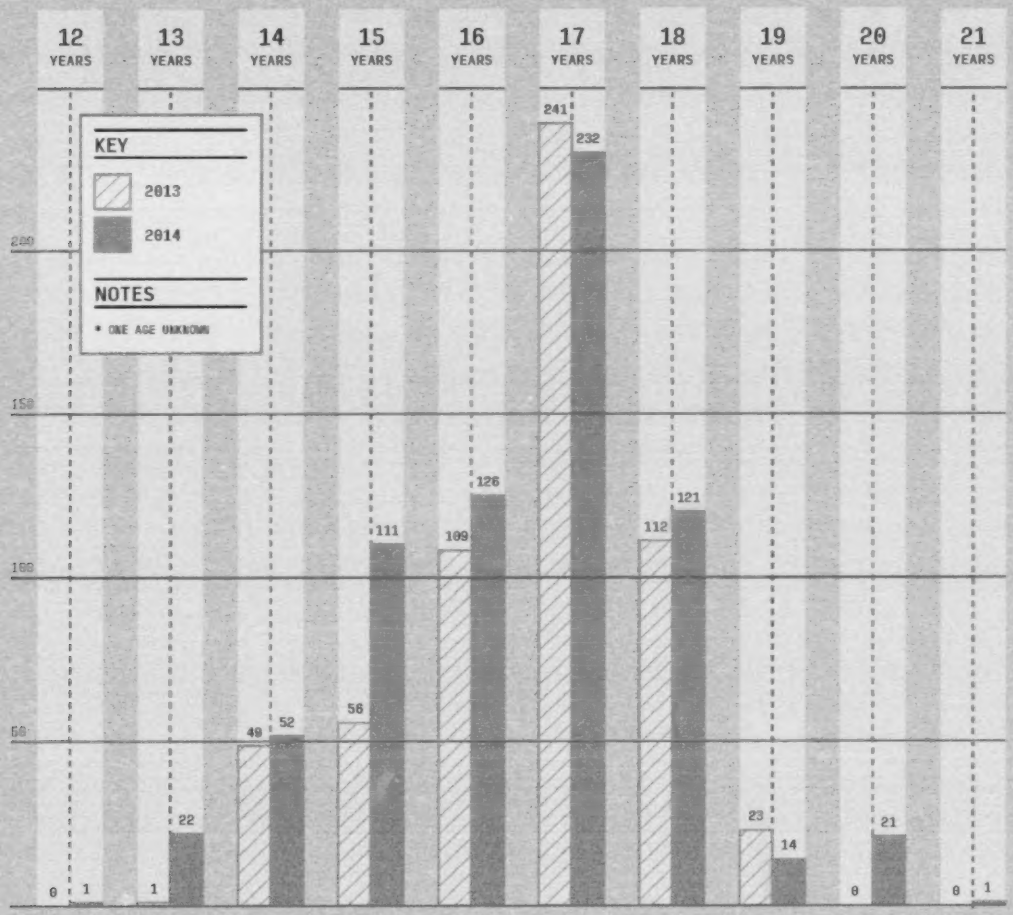
Our report recommended that:

1. The Ontario Government amend the CFSA to prohibit the placement of a young person in secure isolation for longer than 24 hours—with no exceptions.
2. At a minimum, the Provincial Advocate for Children and Youth be notified by the Ministry of Children and Youth Services (MCYS) of any young person placed in secure isolation, including the name of the facility.
3. The Custody Review Board[6] be empowered to hear appeals from any young person whose placement in secure isolation extends beyond 24 hours and have the authority to order the release of a young person from secure isolation.
4. The Provincial Advocate for Children and Youth be notified anytime a young person is placed in secure isolation for reasons related to mental health.
5. MCYS report the conditions of secure isolation in each youth justice facility and develop consistent standards.
6. MCYS establish a process that tracks the use of secure isolation in youth justice facilities according to frequency, actual length of time used, repeated placement of youth, and gender, race and culture. Annual benchmarks should be developed and the results reported annually on the Ministry's website.

6 The Ontario Custody Review Board conducts reviews and hearings on matters affecting children, youth and families in Ontario, including the youth justice system, and hears applications on the placements of young persons in custody or detention in Ontario.

WHAT IS THE AGE OF THE YOUNG PEOPLE IN SECURE ISOLATION?

FIG. 4. NUMBER OF YOUTH AGED 12 TO 21 YEARS IN SECURE ISOLATION IN 2013 AND 2014*



We obtained age-related data for the years 2013 and 2014. For one instance in 2013, the age was unknown.

The ages of young people who experienced secure isolation ranged from 12 to 21 years. In both 2013 and 2014, youth aged 17 years were held in secure isolation more frequently than any other age group. Those aged 17 years accounted for 41% of those held in secure isolation in 2013 and 33% of those held in 2014.

The second highest use of secure isolation was with youth aged 18 years (19%) in 2013 and 16 years (18%) in 2014. Those aged 16 years were the third most frequently held age in 2013 (18%). In fact, those aged 16 and 17 years accounted for more than half of the uses of secure isolation in both 2013 (59%) and 2014 (51%).

Data in this visual representation can be found in Appendix I: Raw Data.

See also https://provincialadvocate.on.ca/documents/en/SIU_Report_2015_En.pdf.

SPECIAL NEEDS

While it is difficult to know the exact number of children and youth who are receiving special needs services in Ontario, because many have multiple needs and receive multiple services, estimates in Ontario indicate that between 97,000 and 235,000 children and youth under the age of 18 have a special need, such as a developmental or physical disability.[7] Approximately one in five children and youth have a mental health challenge. In many cases, these issues go undiagnosed or unaddressed by the service and education system.[8]

For children and youth with special needs, gaps in the system still exist. We believe many of these gaps could be addressed if the government ministries responsible for providing these services routinely consulted directly with young people to learn about their experiences and the changes they feel need to be made within the service system. Young people with special needs have repeatedly told us that they have something to say and want to be part of the conversation about the services and resources that affect their daily lives. Our partnership with young people with special needs is anchored in our fundamental belief in the importance of their voices being heard, which formed the basis of the *I Have Something to Say* project.

"I HAVE SOMETHING TO SAY"

Launched in 2014, I Have Something to Say is a youth-led initiative created as a way for government and service providers to hear directly from young people with special needs across the province. The aim is to strengthen the lines of communication between policy-makers, service providers and children and youth with special needs so they can work together to address the barriers they and their families face when they try to access the resources, services and supports they need.

Since the project began, the Advocate's Office has met with young people and families across the province to hear about the realities of their lives and about their personal experiences. During our discussions, young people talked about lengthy waitlists for assessments or diagnostic tests to determine if they were eligible for the services and resources they required. We also heard from families overwhelmed by the emotional, physical and financial burden of managing the needs of their children while also being a parent, spouse and medical caregiver. These frustrations were particularly prominent in isolated or remote communities and for newcomers to Canada for whom neither English nor French is their first language.

As part of the project, we also partnered with the province's schools and youth organizations to reach out to young people, their families and their caregivers to ask them to share their personal stories through writing, art, songs, videos and other media. The Office received approximately 170 submissions from hundreds of youth, many of whom have numerous or complex special needs.

By seeking out their experiences, we are working to create a space for children, youth and their families to voice their needs, concerns and ideas to improve the system they depend on.

7 MacCharles, Tracy, Minister of Consumer Services. (March 2013). Services for Children and Youth with Special Needs in Ontario, and Their Families: Opportunities for Improving Their Experiences and Outcomes. http://www.children.gov.on.ca/htdocs/English/documents/specialneeds/PAreport.pdf

8 Ontario Ministry of Children and Youth Services. (2016). Web page: www.children.gov.on.ca/htdocs/English/topics/specialneeds/mentalhealth/index.aspx

CHILDREN AND YOUTH WITH AUTISM

There are an estimated 40,000 children and youth in Ontario with Autism Spectrum Disorder (ASD)—and this number is on the rise.[9] Also referred to as autism, ASD is complex and can impact an individual throughout the course of their life. It is characterized by communication difficulties, social and behavioural needs, and repetitive behaviours.

In its 2016 budget, the provincial government announced that it would invest $333 million over the next five years to launch a new Ontario Autism Program. The stated goal of the program is to provide more flexible and individualized services for children and youth with autism based on their needs and reduce wait times. However, the Advocate's Office immediately expressed its skepticism that the program would achieve this goal.

We believe that all children in the province should receive the services and assistance they need, when they need it. That is why we echoed the concerns of families with children with autism who felt the proposed program was unrealistic and not designed in the best interest of the children who require these services.

One of the most concerning changes was that as of May 1, 2016, any child five years of age and older would no longer be able to apply for Intensive Behaviour Intervention (IBI) and would be taken off the waitlist to receive it. IBI is currently one of the most effective techniques used to teach new skills and behaviours to children with autism. Many children with autism in Ontario have been waiting anywhere from two to four years for this therapy.

With the introduction of the new Ontario Autism Program, the government has announced that it will provide all children, regardless of age, with more flexible services at a level of intensity that meets each child's individual needs. In the meantime, the provincial government would provide families taken off the IBI waitlist with $8,000 in one-time funding to pay for community services or support for their child with autism during the transition to the new program.

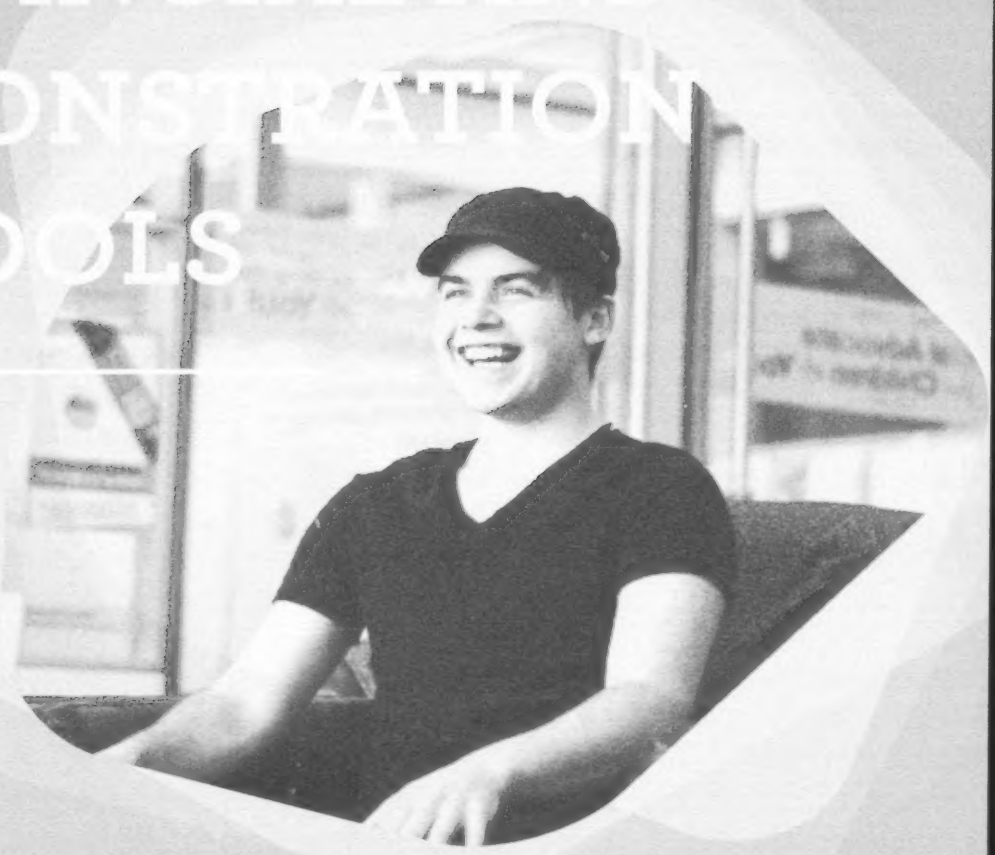
> "My aspiration for the province, including children with autism and their parents, is that children and youth and their families should get what they need when they need it."
>
> IRWIN ELMAN, PROVINCIAL ADVOCATE FOR CHILDREN AND YOUTH

In response to these proposed changes, the Advocate's Office called on the government to grandfather in children who were already on the IBI waitlist and delay the implementation of its plan until their families could be assured they would have access to the services they needed. We asked the government to augment and support agencies so they would be able to provide the quality of service these children required—before the changes came into effect. We also want to see more done to recruit and train clinicians tied to the assessment and program delivery process.

In June 2016, in response to concerns from families and stakeholders, the provincial government announced a plan to enhance supports for families during the transition to the new Ontario Autism Program. They also announced that children coming off waitlists would get significantly more funding during the transition period. In addition to a one-time payment of $8,000, once the $8,000 funding has been spent, families will receive a choice of either successive payments of $10,000 to purchase behavioural services during the transition, or priority access to the current ABA program, until their new child obtains a spot in the new program beginning in June 2017.

9 Ontario Ministry of Children and Youth Services (March 29, 2016). "New Children's Autism Program to Provide Faster, More Effective Services." Web page: https://news.ontario.ca/mcys/en/2016/03/new-childrens-autism-program-to-provide-faster-more-effective-services.html

PROVINCIAL AND DEMONSTRATION SCHOOLS



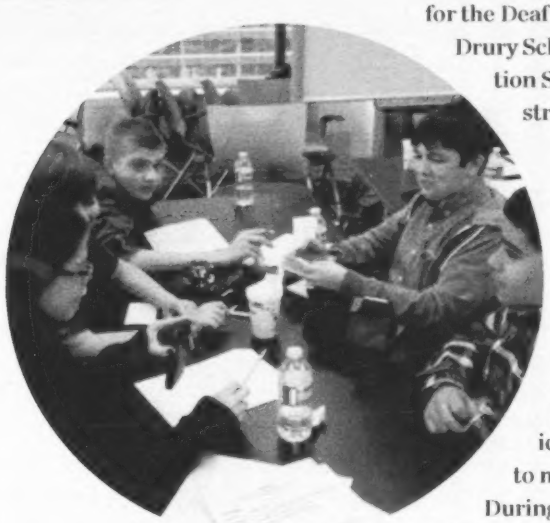
Ontario's Provincial and Demonstration Schools provide communities and places of learning for children and youth. There are four schools for young people who are Deaf or hard of hearing, two for youth who are visually impaired, blind or deaf/blind, and four for students with severe learning disabilities.

FIGHTING SCHOOL CLOSURES, PRESERVING COMMUNITIES

Over the past several years, students at Provincial and Demonstration Schools have been telling us they find it difficult to communicate with school administrators about their needs and concerns. That was worrying to us. But in 2015–16, a new and tougher challenge emerged: the Ministry of Education began considering closing some schools in the province, with a view to consolidating them in just a few locations.

The issue began with rumours—fueled by a review and a pause in the admissions process—that the government would close the following five schools to save money in a climate of declining enrolment: Robarts School for the Deaf and the Amethyst Demonstration School, both in London; Centre Jules-Leger Demonstration School in Ottawa; Sagonaska Demonstration School in Belleville; and the William Ross Macdonald School for the Blind and deaf/blind in Brantford.

These closures would leave Sir James Whitney School for the Deaf in Belleville and two schools in Milton—EC Drury School for the Deaf and Trillium Demonstration School—as the only Provincial and Demonstration schools operating in Ontario.



The impact on students was immediate. Students, parents and stop-the-closure groups contacted our Office. They were concerned and devastated by the potential closure of schools and what that would mean to the children and youth who see them not only as places of education, but as central to their cultural identities. As an Office, our first priority was to meet with students of the affected schools. During these meetings, we listened to what they had to say and then asked about:

- What action they'd like taken, if any
- What their fears and anxieties were
- Their thoughts on a transition process if the closures were to proceed

What we heard was that, for students, these schools play a critical role in their social, emotional and intellectual development. We also heard that the schools had been accepting fewer admissions in recent years, as the admissions criteria made it increasingly difficult for Deaf, blind, deaf/blind and severely learning disabled students to attend the schools.

These concerns were already known to the Office as we had been hearing for the past several years from students who had been denied admission. Time and time again, families complained to us about the outdated regulations and directives being used to make admissions decisions.

The students told us that closing the schools would tear them away from their communities and leave them feeling abandoned by the system. Many were clear that mainstream schools would not meet their learning and social development needs because of the uniqueness of sign language and Deaf culture. They were concerned that mainstream teachers would not have the background or skills to work with them in classrooms. Students and their families were doubly concerned because ASL and LSQ are not provided in mainstream or hearing classrooms.

For students with severe learning disabilities, we heard repeatedly about the positive gains they were making in their current schools, where there are teachers who have the skills to work with them and where they are free from the barriers and negative stereotypes they would face in mainstream schools. Students were unified in their conviction that the social networks of mainstream school communities would be difficult or impossible for them to navigate.

The Deaf community, over the past several years, has pushed hard to build, develop and advocate for its needs. School closures would be a blow to current students who see the Provincial Schools as a critical part of their community. If they had to integrate into mainstream schools, students and parents alike knew they would feel isolated and lose a vital place to interact with peers and fellow community members. The proposed closures were a direct threat to Deaf culture.

A CAUTIOUS WIN

After meeting with students, we hosted a dialogue between them, the Advocate's Office and the Minister of Education. They were clear in their message: the mainstream system cannot meet their needs. They spoke about what their schools meant to them and the importance of the schools in their lives and communities. They were able to get the system's attention and share vital information about their life experiences that otherwise might not have been available to policy-makers.

The Office is committed to continuing to partner with students and the Ministry to ensure that whatever happens moving forward, students will be watching and advocating to keep their schools open, and pushing for a review of the guidelines and directives that underpin all elements of the Provincial School system.

Ultimately, the province decided not to close any schools—for now. The fact that the schools will remain open is a win for the students, not only in practical terms, but as an indication of their ability to mobilize their voices and advocate for themselves.

OUTREACH

HAIRSTORY

Black youth comprise less than 4 per cent of Ontario's population—yet 41 per cent of children and youth in the care of the Children's Aid Society of Toronto are African-Canadian. In many Ontario cities, they represent approximately 65 per cent of all children in care.[10] Black youth often encounter racism and other systemic barriers while receiving services related to child welfare, youth justice, children's mental health and education.

Because of facts like these, the Advocate's Office is committed to elevating the voices of Black youth through HairStory, an initiative devoted to the rights, advocacy, culture and service needs of Black youth in Ontario's systems of care.

HairStory was launched by the Advocate's Office in 2012 to work in partnership with Black youth in care and provide them with opportunities to speak out about their lived experiences, understand their rights, and advocate for changes that would lead to better outcomes in their lives. It began with a youth panel that brought together 10 Black young people from across Ontario who had lived in different care systems. They spoke to policy-makers, community organizations and community leaders about their experiences and recommendations.

Our work tied to HairStory brings attention to the realities of Black youth in Ontario who are or have been involved with the youth justice system, holding cells, child welfare, children's mental health, or Provincial/Demonstration schools, or who have special needs. At its heart, it is about supporting Black youth from diverse and unique communities and nations to advocate for themselves, and make and act on recommendations for change. During this fiscal year, staff and Youth Amplifiers from HairStory began planning to bring together these communities of young people for a provincial dialogue and forum called *HairStory: Black Youth Unite for A Right to Speak (A.R.T.S)* in fall 2016.

ONE VISION ONE VOICE

In 2015–16, the Office was part of a committee that worked on the "One Vision One Voice," an initiative to improve outcomes for African Canadian children and families who come into contact with the child welfare system. Along with supporting and facilitating youth participation activities, the Office suggested that the African Canadian Legal Clinic be part of the work, sat on the Community Advisory Committee, and supported the committee's work by holding consultations with

10 Ontario Association of Children's Aid Societies. "Race Matters in the Child Welfare System." Web page: http://www.oacas.org/wp-content/uploads/2015/09/Race-Matters-African-Canadians-Project-August-2015.pdf

African Canadian youth across the Greater Toronto Area. The One Vision One Voice framework is scheduled for release in the fall of 2016.

LISTENING TOUR

Every November, the Provincial Advocate travels around the province on a "Listening Tour." The tour is also intended to mark the anniversary of the *United Nations Convention on the Rights of the Child (UNCRC)*. The convention guarantees fundamental human rights to every child. It has been ratified by Canada and endorsed by Ontario. That means our province and country have made a commitment to protect the rights of all children. This is a promise our Office takes very seriously.

The listening tour provides our Office with an opportunity to see how well our province is living up to that promise. It is also a chance for children and youth across Ontario to speak openly about the realities of their lives, their experiences, and whether Ontario and Canada are following through on the commitments they made by endorsing the convention. It is an opportunity for children and youth to learn more about the UNCRC and ensure their voices are reflected in reports to the *United Nations Committee on the Rights of the Child (UNCRC)*.

During this year's tour, which ran from November 15 to 23, 2015, the Advocate travelled to Ottawa, Coburg, Prince Edward County, Belleville, Peterborough, Collingwood, Guelph, Timmins and Toronto. He spoke with—and listened to—250 children and youth between the ages of 12 to 24 at:

- Children's mental health centres;
- First Nations communities;
- Child welfare agencies;
- Youth justice facilities;
- Provincial Demonstration schools; and
- Community treatment centres.

What the Advocate heard on his visits was that many children and youth are not finding what they need. But before change can happen, young people need to know that people care and are listening to them. The tour is one of the many ways the Advocate's Office is taking steps to do this. We will publish a report based on the findings from the tour in fall 2016.

YRU CONNECTED

When young people speak, other youth listen. That is why in 2016, the Advocate's Office launched a biweekly radio show on CJRU, Ryerson University's community radio station.

YRU Connected hit the airwaves in March 2016, providing young people with the means to tell their own stories in their own words. With support from staff at the Advocate's Office, youth contributors, and the CJRU team, the show broadcasts every other Thursday at 5:30 P.M. on 1280AM in Toronto.

The half-hour show is hosted by a revolving cast of young people and dives into a range of topics that impact the lives of children and youth in the province. From social justice issues, living away from "home" and experiencing marginalization to exploring the connection between how arts, politics and sports intersect the lives of underrepresented communities, YRU Connected is a platform for young people to be seen, to be heard and to speak for themselves as experts in their own lives.

MOU WITH THE CHILD OMBUDSMAN FOR UKRAINE

This year, the Office was asked by the Child Ombudsman of Ukraine to share its knowledge about youth with special needs and its approach to engaging young people. In the process, we forged a new relationship that will help ensure children in Ukraine are afforded their rights.

At the ombudsman's invitation, the Advocate traveled to Kiev in December 2015 to build bridges between Ontario and Ukraine and help the Child Ombudsman of Ukraine work towards acknowledging and protecting the rights of children with special needs, including creating a school system that accepts children with disabilities. The Provincial Advocate was accompanied by former MPP and Cabinet Minister Marie Boutrogianni, who steered the *Accessibility for Ontarians with Disabilities Act, 2005* from conception to reality.

With advice and guidance from the Advocate and Dr. Boutrogianni, the Child Ombudsman of Ukraine was able to push for concrete change for children with special needs in Ukraine. After the visit, the Parliament of Ukraine voted unanimously to deinstitutionalize services for children with disabilities and create a school system that would include all students, regardless of ability, within 10 years.

While in Kiev, the two Offices signed a Memorandum of Understanding establishing that Ontario's Advocate and the Child Ombudsman of Ukraine will continue to build a strong working relationship, with the common goal of ensuring all children receive the services and support they need to reach their fullest potential.

ADVOCATE'S BLOG

How we communicate in today's world is rapidly changing, so how our Office communicates with Ontario's young people needs to evolve continually as well. We are always searching for new ways to reach Ontario's children and youth to ensure they know about what the Office is, how it can help them, and any initiatives we are working on.

In November 2015, the Advocate launched a monthly blog to speak directly to youth and communicate with the public and service providers about issues facing children and youth in the province—from the state of the child welfare system to inquests and the rights of children with special needs.

The Advocate and staff at the Office have the privilege of meeting thousands of extraordinary, talented children and youth across the province. These young people speak to us about their lives, their hopes for the future, and their struggles with the province's care and protection systems. In creating the blog, the Provincial Advocate has carved out a space to share these stories with a wider audience—bringing light to children's perspectives that are not always reported by the media or reflected in government reports.

Through this blog, we are elevating the voices of children and youth in pursuit of meaningful and lasting change.

STATEMENT OF EXPENDITURE

FOR THE YEAR ENDED MARCH 31, 2016

	Budget For the year ended **March 31, 2016** (Note 3) $	Actual For the year ended **March 31, 2016** $	For the year ended **March 31, 2015** $
SALARIES & WAGES	4,830,400	3,989,967	3,686,057
EMPLOYEE BENEFITS (Note 4)	1,111,000	785,688	717,141
TRANSPORTATION & COMMUNICATION	905,900	1,425,265	1,322,464
SERVICES	3,704,200	3,986,112	2,059,378
SUPPLIES & EQUIPMENT	412,400	710,523	285,827
TOTAL	**10,963,900**	**10,897,555**	**8,070,867**

COMMITMENTS (Note 5)

SEE ACCOMPANYING NOTES TO FINANCIAL STATEMENT.

APPROVED

IRWIN ELMAN,

PROVINCIAL ADVOCATE FOR CHILDREN & YOUTH

NOTES TO FINANCIAL STATEMENT

For the Year Ended March 31, 2016

1. BACKGROUND

The *Provincial Advocate for Children and Youth Act, 2007* was enacted to provide an independent voice for children and youth. The Office of the Provincial Advocate for Children and Youth (Office) serves children and youth in state care and the margins of state care through individual, systemic and policy advocacy. Pursuant to the passing of Bill 8 into law as the *Government Transparency and Accountability Act, 2014*, new powers tied to investigation were added to the *Provincial Advocate for Children and Youth Act, 2007*. On March 1, 2016, the Advocate's Office new investigative powers were proclaimed allowing the Office to conduct investigations and make recommendations to improve children's aid services and services provided by residential licensees where children's aid is the placing agency.

The Office is mandated to strive to be an exemplar in youth participation at all levels of its work. The Office is also mandated to take a special interest in children and youth with special needs, First Nations children and youth, children and youth in Ontario's schools for the deaf and blind and Ontario's Demonstration schools.

2. SIGNIFICANT ACCOUNTING POLICES

The Office, as part of the Legislative Assembly Fund, follows the modified cash basis of accounting, which allows an additional 30 days to pay for expenditures incurred during the year just ended. This differs from Canadian public sector accounting standards in that, for example, under the modified cash basis of accounting liabilities incurred but unpaid within 30 days of the year just ended are not recorded until paid, and expenditures for assets such as computers and office furnishing are expensed in the year of acquisition rather than recorded as fixed assets and amortized over their useful lives.

3. EXPENDITURES

Expenditures are paid out of monies appropriated by the Legislative Assembly of Ontario. These monies are part of the Legislative Assembly Fund. Expenditures are reported net of recoverable sales tax which is recovered by the Office of the Assembly on the Office's behalf.

Financial and Human Resources services are provided by the Office of the Assembly without charge.

4. EMPLOYEE BENEFITS

The Office's permanent employees (and non-permanent employees who elect to participate) participate in the Public Service Pension Fund (PSPF) which is a defined benefit pension for employees of the Province and many provincial agencies. The Province of Ontario, which is the sole sponsor of the PSPF, determines the Office's annual payments to the fund. As the sponsor is responsible for ensuring that the pension fund is financially viable, any surpluses or unfunded liabilities arising from statutory actuarial funding valuations are not assets or obligations of the Office. The Office's required annual payments of $299,200 (2015- $259,100) are included in employee benefits.

The cost of unused vacation and earned legislated severance entitlements are recorded in the statement of Expenditure when paid.

The cost of post-retirement non-pension benefits are paid by the Province and is not included in the Statement of Expenditure.

5. COMMITMENT

The Office has extended its current lease agreement with its landlord for Toronto Office premises expiring on January 31, 2021. The lease agreement for the Thunder Bay Office ends December 31, 2016.

Future minimum rental payments for the lease are as follows:

	TOTAL
2017	448,000
2018	455,500
2019	474,300
2020	486,700
JAN 31, 2021	407,700
	2,272,200

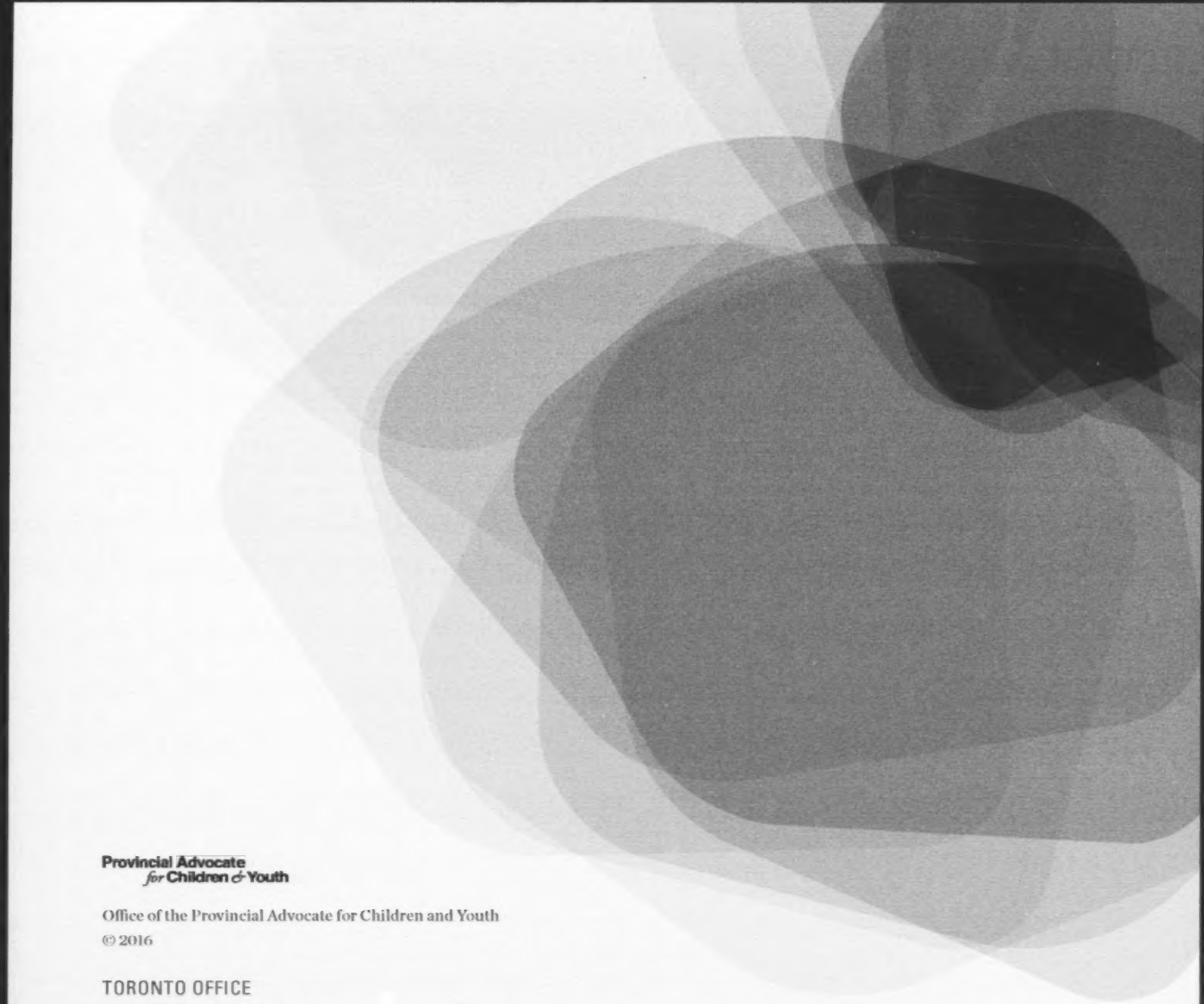
The Office is committed to pay its proportionate share of realty taxes and operating expenses for its Toronto premises, which amounted to $250,600 during 2015.

6. BUDGETED FIGURES

The budget was prepared by the Office and approved by the Board of Internal Economy-an all-party legislative committee.

7. BANK ACCOUNT

The Office holds funds in a bank account used to pay honorariums, if the Office is not able to receive funds on a timely basis from the Legislative Assembly Fund before any events. As at March 31, 2016 the bank balance was $3,679 (2015 - $1,806).



Provincial Advocate *for* **Children & Youth**

Office of the Provincial Advocate for Children and Youth

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TORONTO OFFICE

401 Bay Street, Suite 2200
Toronto, Ontario M7A 0A6
Phone: 416-325-5669
Toll-free: 1-800-263-2841

THUNDER BAY OFFICE

From January 1, 2017 to July 31, 2017, our address will be:
200 South Syndicate Avenue, Suite 400
Thunder Bay, Ontario P7E 1C9 Phone: 807-624-1455
Toll-free: 1-888-342-1380

From August 1, 2017, our address will be:
Unit 3 – 905 Victoria Ave E.
Thunder Bay, Ontario P7C 1B3
Phone: 807-624-1455
Toll-free: 1-888-342-1380

Website www.provincialadvocate.on.ca
Email advocacy@provincialadvocate.on.ca
Twitter @OntarioAdvocate
Facebook Office of the Provincial Advocate for Children and Youth